

**WEDNESDAY, MAY 1, 2002**  
**EIGHTY-FIFTH LEGISLATIVE DAY**

The House met at 1:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Reverend John Fullerton, First Presbyterian Church, Covington, Tennessee.

Representative Ridgeway led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative S. Jones; illness.

Representative Odom; business reasons.

Representative Phillips; illness.

Representative Todd; illness.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 746:** Rep(s). Cole (Carter), Patton, Ford, White, Sands, Maddox, Fitzhugh and Bone as prime sponsor(s).

**House Joint Resolution No. 916:** Rep(s). Bone as prime sponsor(s).

**House Joint Resolution No. 917:** Rep(s). Bone as prime sponsor(s).

**House Joint Resolution No. 927:** Rep(s). Bone as prime sponsor(s).

**House Joint Resolution No. 928:** Rep(s). Winningham as prime sponsor(s).

**House Joint Resolution No. 929:** Rep(s). Winningham as prime sponsor(s).

**House Joint Resolution No. 930:** Rep(s). Beavers as prime sponsor(s).

**House Joint Resolution No. 934:** Rep(s). Black as prime sponsor(s).

**House Joint Resolution No. 935:** Rep(s). Hargrove, Fowlkes and Naifeh as prime sponsor(s).

**House Bill No. 1816:** Rep(s). Brooks as prime sponsor(s).

**House Bill No. 2106:** Rep(s). Kisber, Caldwell, Davis (Washington), Walker, Turner (Hamilton), Clem, Sargent, Godsey, Pleasant, Wood, Mumpower, Dunn, Hagood, Montgomery and Kernell as prime sponsor(s).

**House Bill No. 2882:** Rep(s). Pinion, Kent and Cole (Carter) as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**April 25, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 710, 1601, 2137, 2169, 2414, 2665, 2893, 2949, 2961, 2990; also, Senate Joint Resolution(s) No(s). 554 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED**

**April 25, 2002**

The Speaker signed the following: Senate Bill(s) No(s). 710, 1601, 2137, 2169, 2414, 2665, 2893, 2949, 2961, 2990; also, Senate Joint Resolution(s) No(s). 554.

**ENROLLED BILLS**

**April 25, 2002**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 573, 2283, 2390, 2430, 2592, 2776, 2900, 2920, 2933, 3028, 3230, 3254, 3255, 3257; also, House Joint Resolution(s) No(s). 782, 832, 833, 835, 837, 838, 839, 840, 841, 843, 844, 845, 846, 847, 852, 853, 857, 858, 859, 860 and 861.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 25, 2002**

The Speaker signed the following: House Bill(s) No(s). 573, 2283, 2390, 2430, 2592, 2776, 2900, 2920, 2933, 3028, 3230, 3254, 3255, 3257; also, House Joint Resolution(s) No(s). 782, 832, 833, 835, 837, 838, 839, 840, 841, 843, 844, 845, 846, 847, 852, 853, 857, 858, 859, 860 and 861.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 25, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 573, 2283, 2390, 2430, 2592, 2776, 2900, 2920, 2933, 3028, 3230, 3254, 3255, 3257; also, House Joint Resolution(s) No(s). 782, 832, 833, 835, 837, 838, 839, 840, 841, 843, 844, 845, 846, 847, 852, 853, 857, 858, 859, 860 and 861; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**April 25, 2002**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 573, 2283, 2390, 2430, 2592, 2776, 2900, 2920, 2933, 3028, 3230, 3254, 3255, 3257; also, House Joint Resolution(s) No(s). 782, 832, 833, 835, 837, 838, 839, 840, 841, 843, 844, 845, 846, 847, 852, 853, 857, 858, 859, 860 and 861.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 25, 2002**

MR. SPEAKER: I am directed to return to the House, Senate Joint Resolution(s) No(s). 637, as requested.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 25, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1492, 2174, 2233, 2252, 2255, 2373, 2405, 2792, 2801, 2940, 3038, 3125; also, Senate Joint Resolution(s) No(s). 531, 645, 646, 647, 648, 649, 650, 657, 658, 659, 660, 685, 686, 688, 689, 690, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704 and 705 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED**

**April 25, 2002**

The Speaker signed the following: Senate Bill(s) No(s). 1492, 2174, 2233, 2252, 2255, 2373, 2405, 2792, 2801, 2940, 3038, 3125; also, Senate Joint Resolution(s) No(s). 531, 645, 646, 647, 648, 649, 650, 657, 658, 659, 660, 685, 686, 688, 689, 690, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704 and 705.

**MESSAGE FROM THE SENATE**

**April 25, 2002**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 3089.

The Senate nonconcurred in House Amendment(s) No(s). 1.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

**April 29, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2055, without his signature.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

**April 29, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 782, 832, 833, 835, 837, 838, 839, 840, 841, 843, 844, 845, 846, 847, 852, 853, 857, 858, 859 and 860, with his approval.

JAY BALLARD, Counsel to the Governor.

**WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY**

**MESSAGE FROM THE GOVERNOR  
April 30, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 861, with his approval.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE SENATE  
May 1, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1293; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 1293** -- Motor Vehicles, Titling and Registration - Authorizes issuance of cultural plates for Horticulture. Amends TCA Title 54 and Title 55. by \*Cooper J. (HB1247 by \*Head, \*Fowlkes)

**MESSAGE FROM THE SENATE  
May 1, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 746; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 746** -- General Assembly, Recess & Reconvene - Adjourns both houses at close of business on Wednesday, May 1, 2002; reconvenes House on Wednesday, May 8, 2002 at 1:00 p.m.; reconvenes both houses on Wednesday, May 15, 2002, at 1:00 p.m. by \*Crutchfield.

**MESSAGE FROM THE SENATE  
May 1, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 706, 707, 708, 709, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737 and 739; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 706** -- Memorials, Academic Achievement - Robert Jacob Sneed, Valedictorian, Springfield High School. by \*Graves.

**Senate Joint Resolution No. 707** -- Memorials, Death - Alice Duffield. by \*McNally.

**Senate Joint Resolution No. 708** -- Memorials, Academic Achievement - Teneicesia Rhodes Pittman, Valedictorian, Trezevant High School. by \*Kyle.

**WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 709** -- Memorials, Academic Achievement - Melisa Tahne Hayes, Salutatorian, Trezevant High School. by \*Kyle.

**Senate Joint Resolution No. 711** -- Memorials, Interns - Miranda McFarland. by \*Trail.

**Senate Joint Resolution No. 712** -- Memorials, Recognition - Fall Branch Volunteer Fire Department, 50th Anniversary. by \*Crowe.

**Senate Joint Resolution No. 713** -- Memorials, Academic Achievement - Leslie Cristeen West, Valedictorian, Celina High School. by \*Rochelle, \*Burks.

**Senate Joint Resolution No. 714** -- Memorials, Academic Achievement - Reco Emmanuel Thomas Moody, Salutatorian, Celina High School. by \*Rochelle, \*Burks.

**Senate Joint Resolution No. 715** -- Memorials, Academic Achievement - Amy Nicole Murray, Valedictorian, Trousdale County High School. by \*Rochelle.

**Senate Joint Resolution No. 716** -- Memorials, Academic Achievement - Cathy Michelle Bush, Salutatorian, Trousdale County High School. by \*Rochelle.

**Senate Joint Resolution No. 717** -- Memorials, Academic Achievement - Kelly Clayborne, Salutatorian, Macon County High School. by \*Rochelle, \*Burks.

**Senate Joint Resolution No. 718** -- Memorials, Academic Achievement - Crissy Hesson, Valedictorian, Macon County High School. by \*Rochelle, \*Burks.

**Senate Joint Resolution No. 719** -- Memorials, Academic Achievement - Lindsay Gail Johnson, Co-Valedictorian, Macon County High School. by \*Rochelle, \*Burks.

**Senate Joint Resolution No. 720** -- Memorials, Academic Achievement - Daniel Brian Burks, Salutatorian, Cannon County High School. by \*Rochelle, \*Burks.

**Senate Joint Resolution No. 721** -- Memorials, Academic Achievement - Jonathan Birks Sheetz Higdon, Valedictorian, Cannon County High School. by \*Rochelle, \*Burks.

**Senate Joint Resolution No. 722** -- Memorials, Academic Achievement - Lindsey Brooke Deckerd, Salutatorian, Red Boiling Springs High School. by \*Rochelle.

**Senate Joint Resolution No. 723** -- Memorials, Academic Achievement - Lacey Lynn Langford, Valedictorian, Red Boiling Springs High School. by \*Rochelle.

**Senate Joint Resolution No. 724** -- Memorials, Academic Achievement - Janet Marie Jenkins, Valedictorian, Red Boiling Springs High School. by \*Rochelle.

**Senate Joint Resolution No. 725** -- Memorials, Academic Achievement - Alaina Denise Russell, Valedictorian, Red Boiling Springs High School. by \*Rochelle.

**Senate Joint Resolution No. 726** -- Memorials, Academic Achievement - Adrienne Lee Gifford, Valedictorian, Gordonsville High School. by \*Rochelle.

## **WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 727** -- Memorials, Academic Achievement - Valyn Whitemore, Salutatorian, Gordonsville High School. by \*Rochelle.

**Senate Joint Resolution No. 728** -- Memorials, Academic Achievement - Jeremy Andrews, Valedictorian, Smith County High School. by \*Rochelle.

**Senate Joint Resolution No. 729** -- Memorials, Academic Achievement - Kristen Nichole Fields, Salutatorian, Smith County High School. by \*Rochelle.

**Senate Joint Resolution No. 730** -- Memorials, Academic Achievement - Keeley Leeann Cherry, Valedictorian, Hermitage Springs High School. by \*Rochelle.

**Senate Joint Resolution No. 731** -- Memorials, Academic Achievement - Charles Deryl Smith III, Salutatorian, Hermitage Springs School. by \*Rochelle.

**Senate Joint Resolution No. 732** -- Memorials, Academic Achievement - Bethney Leah Hale, Salutatorian, DeKalb County High School. by \*Rochelle.

**Senate Joint Resolution No. 733** -- Memorials, Academic Achievement - Breanna Dawn Randolph, Valedictorian, DeKalb County High School. by \*Rochelle.

**Senate Joint Resolution No. 734** -- Memorials, Retirement - Nancy P. Barber. by \*Person.

**Senate Joint Resolution No. 735** -- Memorials, Public Service - Carl Swann, Robertson County Commissioner and Cross Plains City Commissioner. by \*Graves.

**Senate Joint Resolution No. 736** -- Memorials, Academic Achievement - Loni Ann Cezley, Co-Salutatorian, Jo Byrns High School. by \*Graves.

**Senate Joint Resolution No. 737** -- Memorials, Academic Achievement - Tyler Walpale, Co-Salutatorian, Jo Byrns High School. by \*Graves.

**Senate Joint Resolution No. 739** -- Memorials, Interns - Andrea E. Crilly. by \*Crutchfield.

## **PERSONAL ORDERS**

### **RECOGNITION IN THE WELL**

Rep. Langster was recognized in the Well to introduce Vanderbilt Chancellor Gordon Gee and the Vanderbilt Women's Basketball Team, 2002 SEC Tournament Champions, for remarks.

**RESOLUTION READ**

The Clerk read House Joint Resolution No. 745.

**House Joint Resolution No. 745** -- Memorials, Sports - Vanderbilt Women's Basketball Team, 2002 SEC Tournament Champions. by \*Langster, \*McMillan, \*Roach, \*Ferguson, \*Kisber, \*Ridgeway, \*Shepard, \*Tindell, \*Arriola, \*Pruitt, \*Curtiss, \*Godsey, \*McCord, \*McDaniel, \*Brooks, \*Scroggs, \*Davis (Washington), \*Hagood, \*Pinion, \*Boyer, \*McDonald, \*Bittle, \*Bone, \*Baird, \*Davis (Cocke), \*Goins, \*Davidson, \*Buck, \*Hood, \*Garrett, \*Lewis, \*Brown, \*Kernell, \*Maddox.

**RECOGNITION IN THE WELL**

Rep. Pinion was recognized in the Well to introduce retiring Interim-President Emerson "Eli" Fly, from the University of Tennessee, Knoxville, for remarks.

**RESOLUTION READ**

The Clerk read House Joint Resolution No. 828.

**House Joint Resolution No. 828** -- Memorials, Retirement - Emerson "Eli" Fly. by \*Pinion.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 919** -- General Assembly, Studies - Creates interagency task force to study issues relative to intermediate care facilities for persons with mental retardation (ICFs/MR). by \*Armstrong, \*DeBerry L.

House Finance, Ways and Means Committee

**\*House Joint Resolution No. 920** -- Highway Signs - "Viscen Charles Morrow Bridge", U.S. Highway 64 in Hardeman County. by \*Shaw.

House Finance, Ways and Means Committee

**House Joint Resolution No. 932** -- General Assembly, Recess & Reconvene - Recesses general assembly from close of business on Wednesday, May 1, 2002, to Wednesday, May 8, 2002, at 1:00 p.m. (CDT). by \*Davidson, \*McDaniel.

Held on House Desk



RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

**\*Senate Joint Resolution No. 611** -- Naming and Designating - Designates Main Drive at new Tennessee Fire Service and Codes Enforcement Academy in Bedford County as "Senator Tommy Haun Boulevard". by \*Cooper J, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams, Sen..

House Finance, Ways and Means Committee

**\*Senate Joint Resolution No. 623** -- Naming and Designating - Designates Gulf Tract in Cocke County as "Martha Sundquist State Forest". by \*Haun, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams, Sen..

House Finance, Ways and Means Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 3264** -- Sewage - Exempts city of Pegasus, by population, from requirement that water and wastewater facilities of municipality must be self-supporting; exemption applies until growth in city is sufficient for project to be and remain self-supporting and self-sufficient. Amends TCA Section 7-34-114; Section 7-35-414; Section 9-21-308 and Section 68-221-1008. by \*Casada.

**House Bill No. 3274** -- Gallatin - Subject to local approval, amends charter concerning residency of director of finance, police chief, and superintendent of public utilities and public works; exempts city attorney from acting full-time as city attorney. Amends Article III, Section 2 of Chapter 67 of the Private Acts of 1953. by \*McDonald, \*Black.

**House Bill No. 3279** -- Hamblen County - Subject to local approval, enacts hotel motel tax. Amends Chapter. by \*Ford S.

**House Bill No. 3280** -- Bledsoe County - Repeals provisions pertaining to county judge in Bledsoe County. by \*Rhinehart.

**House Bill No. 3281** -- Williamson County - Pursuant to local request, authorizes Franklin Special School District to levy annual property tax through year 2019 for purpose of paying principal, interest, and redemption premiums on bonds and other indebtedness of district. Amends Chapter 11 of the Private Acts of 1999. by \*Casada.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 809** -- Plumbers and Plumbing - Enacts "Tennessee Plumbing Trades Act." Amends TCA Title 62. by \*Harper, \*Haynes. (HB1600 by \*Briley, \*Jones, S., \*Turner (Shelby), \*West, \*Turner (Davidson), \*Newton, \*Odom)

**Senate Bill No. 1421** -- Courts, Administrative Office of the - Restates and clarifies procedures and policies pertaining to administrative office of courts. Amends TCA Title 9, Chapter 4; Title 16; Title 17 and Title 18. by \*Person. (\*HB347 by \*Buck, \*Winningham)

**Senate Bill No. 1494** -- Campaigns and Campaign Finance - Expresses intent of general assembly that campaign finance system be reformed to promote increased voter confidence and participation; directs registry of election finance to study issue and to provide recommendations to general assembly. Amends TCA Title 2; Title 3 and Title 8. by \*Cooper J. (\*HB674 by \*Kisber, \*McMillan)

**\*Senate Bill No. 2141** -- Election Laws - Requires placement of state constitutional amendment question on ballot before list of candidates for governor instead of after list of candidates for governor. Amends TCA Section 2-5-208(f). by \*Cohen. (HB2664 by \*Jones U (Shelby))

**Senate Bill No. 2329** -- Prisons and Reformatory Institutions - Creates "Family Visitation and Crime Reduction Act." Amends TCA Title 41. by \*Dixon. (\*HB1816 by \*Kernell, \*Miller L)

**\*Senate Bill No. 2412** -- Planning, Public - Requires planning commissioners, professional planners, planning commission members, board of zoning appeals members, building commissioners, and other officials who advise planning commission or board of zoning appeals to attend training and continuing education. Amends TCA Title 13, Chapter 3; Title 13, Chapter 4 and Title 13, Chapter 7. by \*Norris. (HB2434 by \*Todd)

**Senate Bill No. 2457** -- Taxes, Real Property - Includes hospital and hospital property owned or leased by private not-for-profit 501(c)(3) corporation in definition of industrial and commercial property for payment of property taxes. Amends TCA Title 67. by \*Miller J. (\*HB2200 by \*Bunch)

**Senate Bill No. 2518** -- Tort Liability - Extends from January 1, 2005, to January 1, 2007, date on which immunity for computer system failure due to date or time changes expires. Amends TCA Title 29, Chapter 20. by \*Crutchfield. (\*HB2431 by \*Brown)

**Senate Bill No. 2534** -- Controlled Substances - Enacts "Controlled Substance Monitoring Act of 2002." Amends TCA Title 53, Chapter 10. by \*McNally, \*Crowe, \*Henry, \*Rochelle, \*Carter. (\*HB2450 by \*Shepard, \*Tidwell, \*Black, \*Caldwell)

**\*Senate Bill No. 2580** -- Domestic Violence - Requires that identifying information concerning petitioner that is contained in order of protection be treated as confidential by court upon filing of petition. Amends TCA Section 10-7-504. by \*Burks. (HB2525 by \*McMillan)

## **WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY**

**\*Senate Bill No. 2866** -- Taxes, Real Property - Permits owner who purchases property after county board of equalization convenes but prior to December 31 to appeal its assessment directly to state board of equalization by March 1 of year following tax year in question. Amends TCA Title 67. by \*Ford J. (HB3080 by \*Miller L)

**Senate Bill No. 3139** -- Safety, Dept. of - Requires department to review driver license application and examination provisions in view of increased homeland security and report findings and recommendations to transportation committees. Amends TCA Title 55, Chapter 50, Part 3. by \*Herron, \*Trail. (\*HB3186 by \*Maddox, \*Odom, \*Shepard, \*Turner (Davidson), \*Jones, S., \*Cole (Dyer), \*Harwell)

**\*Senate Bill No. 3216** -- Sewage - Exempts city of Pegasus, by population, from requirement that water and wastewater facilities of municipality must be self-supporting; exemption applies until growth in city is sufficient for project to be and remain self-supporting and self-sufficient. Amends TCA Section 7-34-114; Section 7-35-414; Section 9-21-308 and Section 68-221-1008. by \*Kurita. (HB3264 by \*Casada)

### **HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 3275** -- Morrison -- Local Bill Held on House Desk

**House Bill No. 3276** -- Dickson County -- Local Bill Held on House Desk

**House Bill No. 3277** -- Morristown -- Local Bill Held on House Desk

**House Bill No. 3278** -- Bradley County -- Local Bill Held on House Desk

### **REPORTS FROM STANDING COMMITTEES**

The committees that met on **April 25, 2002**, reported the following:

#### **COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 1, 2002**: House Bill(s) No(s). 1247, 2106, 3187, 2295, 3134 and 2431.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 1, 2002**: House Bill(s) No(s). 2609 and Senate Joint Resolution(s) No(s). 608.

**REPORTS FROM STANDING COMMITTEES**

The committees that met on **April 29, 2002**, reported the following:

**EDUCATION**

The Education Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3136 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

**REPORTS FROM STANDING COMMITTEES**

The committees that met on **April 30, 2002**, reported the following:

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 1, 2002**: House Bill(s) No(s). 2882, 1736, 2606, 2954, 2856, 2301, 2827, 347, 2892, 1759, 1056, 3159, 2086, 1816, 2525 and 3203.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 1, 2002**: House Bill(s) No(s). 1757, 2970, 2193 and 2749.

**COMMERCE**

The Commerce Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2465 and 2840 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

The Committee further reports that House Bill No. 1600 was sent to a Study Committee in the House.

**EDUCATION**

The Education Committee recommended for passage: House Bill(s) No(s). 2316, 2617, House Joint Resolution(s) No(s). 646, also House Bill(s) No(s). 2901 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2549 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

**FINANCE, WAYS AND MEANS**

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 3109, 2570, 2889, 2476, 2796, House Joint Resolution(s) No(s). 789, Senate Joint Resolution(s) No(s). 584, also House Bill(s) No(s). 3132, 1985, 2984, 1404 and 2652 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

## HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2479; also House Bill(s) No(s). 1266 and 2450 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

## REPORTS FROM STANDING COMMITTEES

The committees that met on **May 1, 2002**, reported the following:

### JUDICIARY

The Judiciary Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3027 and 3232 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

## CAPTION BILLS REFERRED

**May 1, 2002**

Pursuant to **Rule No. 47**, the following Caption Bill(s), 1318 and 646 held on the Clerk's desk were referred to the following Committee(s):

**House Bill No. 1318** -- Education, Higher – House Education Committee

**House Bill No. 646** -- Public Funds and Financing – House Finance, Ways and Means Committee

## CONSENT CALENDAR

**House Bill No. 3272** -- Newport - Subject to local approval, revises civil service system. Amends Chapter 104 of the Acts of 1903; as amended. by \*Davis (Cocke). (SB3228 by \*Haun)

**House Resolution No. 263** -- Memorials, Recognition - Chester Anderson Fire Training Academy. by \*Jones U (Shelby), \*Miller L, \*Pleasant.

**House Resolution No. 264** -- Memorials, Public Service - Chester Anderson. by \*Jones U (Shelby), \*Miller L, \*Pleasant.

**House Bill No. 2609** -- Workers' Compensation - Requires employers with over five years workers' compensation experience to be evaluated on their risk history rather than on their industry classification. Amends TCA Title 50, Chapter 6 and Title 56, Chapter 5. by \*West. (\*SB2645 by \*Cooper J)

**\*Senate Joint Resolution No. 608** -- General Assembly, Confirmation of Appointment - J.W. "Jim" Carpenter, Tennessee Forestry Commission. by \*Wilder.

**House Bill No. 1757** -- Consumer Protection - Expands consumer actions and definition of "consumer" to include out-of-state consumers if violator located in whole or in part in state; moneys awarded to consumer in state action are set off in any private action. Amends TCA Title 47, Chapter 18. by \*Briley, \*Sands, \*Ridgeway, \*Pinion, \*Cole (Dyer). (\*SB1110 by \*Herron)

**\*House Bill No. 2970** -- Highway Signs - "Louish B. Thompson Bridge" spanning Eagle Creek on S.R. 114 in Wayne County. by \*Tidwell, \*White, \*McDaniel. (SB3019 by \*Wilder)

On motion, House Bill No. 2970 was made to conform with **Senate Bill No. 3019**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2749** -- Sunset Laws - TennCare claims processing panel, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 56, Chapter 32. by \*Kernell, \*Brooks, \*Cooper B. (\*SB2103 by \*Harper, \*Burchett, \*Trail)

On motion, House Bill No. 2749 was made to conform with **Senate Bill No. 2103**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 2193** -- Highway Signs - Names bridge across Hiwassee River on US 11 (SR 2) "Captain James S. Varnell, Jr. Bridge." by \*Bunch, \*Newton. (SB2446 by \*Miller J)

On motion, House Bill No. 2193 was made to conform with **Senate Bill No. 2446**; the Senate Bill was substituted for the House Bill.

**House Bill No. 3270** -- Rogersville - Subject to local approval, restructures board of education. by \*Givens. (SB3224 by \*Williams, Sen.)

#### OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 2609:** by Rep. Boyer

**House Bill No. 1757:** by Rep. Briley

Under the rules, House Bill(s) No(s). 2609 and 1757 was/were placed at the foot of the calendar for May 8, 2002.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0
Present and not voting .....	1

## WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Shaw -- 1.

A motion to reconsider was tabled.

### REGULAR CALENDAR

**House Bill No. 3265** -- Williamson County - Pursuant to local request, authorizes refunding bonds for prior bonded indebtedness of Franklin Special School District. Amends Chapter 563 of the Private Acts of 1949, as amended, by \*Casada. (SB3218 by \*Blackburn)

Further consideration of House Bill No. 3265 previously considered on April 24, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Casada requested that House Bill No. 3265 be moved down 10 places on the Calendar.

**House Joint Resolution No. 866** -- Memorials, Recognition - Jennie Ellen Harper. by \*McDaniel.

Further consideration of House Joint Resolution No. 866 previously considered on April 24, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. McDaniel requested that House Joint Resolution No. 866 be moved down 1 place on the Calendar.

**House Joint Resolution No. 867** -- Memorials, Recognition - Mary Lauren Anderson. by \*McDaniel.

Further consideration of House Joint Resolution No. 867 previously considered on April 24, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. McDaniel moved that **House Joint Resolution No. 867** be adopted, which motion prevailed by the following vote:

**WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY**

Ayes .....82  
Noes .....3  
Present and not voting .....1

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Brooks, Brown, Turner (Shelby) -- 3.

Representatives present and not voting were: Jones U -- 1.

A motion to reconsider was tabled.

**House Joint Resolution No. 866** -- Memorials, Recognition - Jennie Ellen Harper. by \*McDaniel.

Further consideration of House Joint Resolution No. 866 previously considered on today's Calendar.

Rep. McDaniel moved that **House Joint Resolution No. 866** be adopted, which motion prevailed by the following vote:

Ayes .....83  
Noes .....3

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Buck, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 83.

Representatives voting no were: Brooks, Brown, Turner (Shelby) -- 3.

A motion to reconsider was tabled.



**WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY**

**\*Senate Joint Resolution No. 555** -- Constitutional Amendments - Proposes amendment to Article VI, Section 14 of Tennessee Constitution, relative to general assembly prescribing maximum fine to be assessed without jury. by \*Haynes, \*Cohen, \*Dixon.

Further consideration of Senate Joint Resolution No. 555 previously considered on April 10, 2002, April 17, 2002 and April 24, 2002, at which time it was reset for today's Calendar.

Rep. Sands requested that the Clerk read Senate Joint Resolution No. 555 for the third and final Constitutional reading, according to the Tennessee Constitution.

The Clerk read Senate Joint Resolution No. 555.

Rep. Sands moved that **Senate Joint Resolution No. 555** be concurred in, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Senate Joint Resolution No. 555, having received a vote in the affirmative by two thirds of the members elected to the Tennessee House of Representatives of the One Hundred Second General Assembly, was declared concurred in pursuant to Article 11, Section 3, of the Constitution of Tennessee.

Without objection, a motion to reconsider was tabled.

**\*House Bill No. 3138** -- Environment and Conservation, Department of - Requires department to maintain registry of riparian lands along designated scenic rivers that are not within scenic river boundary; classifies Wolf river and state forests in certain counties as natural areas; adjusts acreage of certain natural areas. Amends Chapters 13 and 14 of Title 11. by \*Sands, \*Scroggs. (SB3074 by \*Burks)

Further consideration of House Bill No. 3138 previously considered on April 3, 2002, April 17, 2002 and April 24, 2002, at which time it was reset for today's Calendar.

Rep. Sands requested that House Bill No. 3138 be moved down 5 places on the Calendar.

**WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY**

**House Bill No. 2510** -- Eminent Domain - Excludes redevelopment projects and redevelopment plans from prohibition on housing authority to take private property in urban renewal area by eminent domain for purposes of resale. Amends TCA Title 13, Chapter 20. by \*Briley. (\*SB2417 by \*Haynes)

Further consideration of House Bill No. 2510 previously considered on April 17, 2002 and April 24, 2002, at which time it was reset for today's Calendar.

Rep. Briley moved that House Bill No. 2510 be reset for the Regular Calendar on May 8, 2002, which motion prevailed.

**\*House Joint Resolution No. 746** -- Constitutional Amendments - Requires three-fifths majority of each house of general assembly to raise rate of sales tax or any tax measured by income. by \*Rinks, \*Buck, \*Newton, \*Walker, \*Stanley, \*Cole (Carter).

Further consideration of House Joint Resolution No. 746 previously considered on April 24, 2002, at which time the House adopted Amendment(s) No(s) 1 and 2 and reset the bill for today's Calendar.

In order to provide clarification, Rep. Buck requested that the Clerk re-read House Joint Resolution No. 746, as amended, for the first Constitutional reading, according to the Tennessee Constitution.

The Clerk read House Joint Resolution No. 746, as amended.

Rep. Buck moved that House Joint Resolution No. 746, as amended, be reset for the Regular Calendar on May 8, 2002 for second reading, which motion prevailed.

**House Bill No. 2831** -- Election Laws - Enacts "Tennessee Provisional Voting Rights Act of 2002." Amends TCA Section 2-7-112. by \*Briley, \*Jones, S.. (\*SB2583 by \*Burks)

Further consideration of House Bill No. 2831 previously considered on April 24, 2002, at which time it was reset for today's Calendar.

Rep. Briley moved that House Bill No. 2831 be reset for the Regular Calendar on May 8, 2002, which motion prevailed.

**House Bill No. 2672** -- Taxes, Real Property - Provides that portion of property tax allocated to education cannot be subject to rebate, remission, or abatement. Amends TCA Title 7, Chapters 53 through 67, Title 13, Chapters 20 through 23, and Title 67, Chapter 5. by \*Jones U (Shelby). (\*SB2282 by \*Dixon)

Further consideration of House Bill No. 2672 previously considered on April 24, 2002, at which time it was reset for today's Calendar.

Rep. U. Jones moved that House Bill No. 2672 be passed on third and final consideration.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

**REGULAR CALENDAR, CONTINUED**

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2672 by adding, after Section 1, the following new section, and by renumbering subsequent sections appropriately:

SECTION 2. Tennessee Code Annotated, Section 13-20-104, is amended by adding the following new, appropriately designated subsection:

(1) The city or county for which a housing authority is created may delegate to such housing authority the authority to negotiate and accept from the housing authority's lessees payments in lieu of ad valorem taxes; provided, that such authorization shall be granted only upon a finding that such payments are deemed to be in furtherance of the housing authority's public purposes. The legislative body of the city or county making such delegation may, in its sole discretion, require the housing authority to submit any such agreement to such legislative body for its approval.

(2) An agreement for payment in lieu of taxes shall contain such terms and conditions as the housing authority may determine, which may include, but shall not be limited to, provisions to:

(A) Defer and/or subordinate payment of all or a portion of the payment in lieu of taxes to such future time as the housing authority may determine;

(B) Require interest to accrue on such deferred amount;

(C) Require that payments in lieu of taxes, including any interest, expenses, or costs of collection of same, shall be secured by a deed of trust upon the project; or

(D) Provide that such deed of trust may be subordinate to other liens or indebtedness of the project.

(3) Before October 1 of each year, the housing authority shall submit to the state board of equalization an annual report containing a list of all the real and personal property owned by the housing authority and its associated entities and subsidiaries with respect to which payments in lieu of ad valorem taxes have been negotiated and accepted; the value of each listed property, as estimated by the lessee of the property; the date and term of the lease for each listed property; the amount of payments made in lieu of property taxes for each listed property; the date each listed property is scheduled to return to the regular tax rolls; and a calculation of the taxes which would have been due for each listed property if the properties were privately owned or otherwise subject to taxation. Each lessee of the housing authority shall be responsible for the timely completion and filing of the report, and failure to timely complete and file the report shall subject such lessees to a penalty equivalent to that applicable to similar lessees of industrial development corporations; provided, that no lessee shall be liable who has provided the state board of equalization information required by this section as may be pertinent to property leased by the lessee from the housing authority.

On motion, State and Local Government Committee Amendment No. 2 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 2672 by deleting all language of the bill following the enacting clause, as amended by House State and Local Government Committee Amendment No. 1 (HA0896), and by substituting instead the following language:

SECTION 1. (a) The Tennessee Advisory Commission on Intergovernmental Relations ("TACIR") is directed to perform a study of the overall effect on local public education when property taxes or in lieu of tax payments earmarked for education are abated or reduced. This study shall be conducted from TACIR's existing resources.

(b) All appropriate state departments and agencies shall provide assistance to TACIR.

(c) TACIR shall report its findings and recommendations, including any proposed legislation or interim reports, to the One Hundred Third General Assembly no later than February 28, 2003.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

## WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 was adopted.

Rep. U. Jones moved that **House Bill No. 2672**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 2873** -- Public Contracts - Authorizes department of general services to issue request for information in lieu of or in addition to request for proposal or invitation to bid. Amends TCA Title 12. by \*Kisber. (\*SB2790 by \*Rochelle)

Further consideration of House Bill No. 2873 previously considered on April 24, 2002, at which time it was reset for today's Calendar.

### BILL HELD ON DESK

Rep. Kisber moved that House Bill No. 2873 be held on the Clerk's desk, which motion prevailed.

### REGULAR CALENDAR, CONTINUED

**\*House Bill No. 3138** -- Environment and Conservation, Department of - Requires department to maintain registry of riparian lands along designated scenic rivers that are not within scenic river boundary; classifies Wolf river and state forests in certain counties as natural areas; adjusts acreage of certain natural areas. Amends Chapters 13 and 14 of Title 11. by \*Sands, \*Scroggs. (SB3074 by \*Burks)

Further consideration of House Bill No. 3138 previously considered on today's Calendar.

Rep. Garrett moved that House Bill No. 3138 be reset for the Regular Calendar on May 8, 2002, which motion prevailed.

**\*House Bill No. 2960** -- Sewage - Extends from two to four years department of environment and conservation pilot project study of advanced treatment systems (ATS); classifies as Class C misdemeanor each failure of ATS manufacturer to comply with operation and maintenance check requirements. Amends TCA Title 68, Chapter 221, Part 4. by \*Fitzhugh. (SB3020 by \*Wilder)

Further consideration of House Bill No. 2960 previously considered on April 24, 2002, at which time it was reset for today's Calendar.

On motion, House Bill No. 2960 was made to conform with **Senate Bill No. 3020**; the Senate Bill was substituted for the House Bill.

Rep. Fitzhugh moved that Senate Bill No. 3020 be passed on third and final consideration.

Rep. Garrett moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 3020 by deleting everything following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 221, Part 4, is amended by adding the following as a new, appropriately designated section:

68-221-4\_\_\_\_. The commissioner may develop a program for the evaluation of new technologies for use in subsurface sewage disposal systems. In the program the commissioner shall first evaluate written documentation and the available studies and literature for such products. If the commissioner is satisfied with the results of this initial review, then the commissioner may authorize certain numbers of systems using the technology to be installed on an experimental basis for a period of time. During this time, the commissioner may require that mechanisms be used to protect the public and the environment. In the commissioner's discretion, this may include restrictive covenants on the property, or manufacturer's warranties with certain terms, or financial assurance mechanisms, including, but not limited to, surety or performance bonds, letters of credit, or escrow deposits. The commissioner may set the fee for permits for such experimental systems in a manner that reflects the department's costs for oversight and evaluation, fees paid by other systems, and the number of experimental systems installed, notwithstanding any rules that set a specific fee for experimental systems, to the contrary.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Conservation and Environment Committee Amendment No. 1 was adopted.

**WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY**

Rep. Bowers moved that Senate Bill No. 3020 be reset for the Regular Calendar on May 8, 2002, which motion prevailed.

**House Bill No. 3265** -- Williamson County - Pursuant to local request, authorizes refunding bonds for prior bonded indebtedness of Franklin Special School District. Amends Chapter 563 of the Private Acts of 1949, as amended. by \*Casada. (SB3218 by \*Blackburn)

Further consideration of House Bill No. 3265 previously considered on today's Calendar.

Rep. Casada requested that House Bill No. 3265 be moved to the heel of the Calendar.

**House Bill No. 1247** -- Motor Vehicles, Titling and Registration - Authorizes issuance of cultural plates for Horticulture. Amends TCA Title 54 and Title 55. by \*Head, \*Fowlkes. (\*SB1293 by \*Cooper J)

Rep. Head moved that House Bill No. 1247 be passed on third and final consideration.

Rep. Ridgeway moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1247 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-221(b)(5), is amended by deleting the first sentence in its entirety and by substituting instead the following:

Any vehicle preparation service or motor vehicle auction company licensed by the state of Tennessee may obtain special purpose plates to operate or move dealer-owned vehicles upon any highway within the state solely for the purpose of transporting such vehicles between a dealer's business location and the location where the cleaning, repairing, or preparation is performed or where the vehicle is to be auctioned, and for the purposes of testing such vehicle within a twenty (20) mile radius of the location where the cleaning, repairing or preparation is performed.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Head requested that House Bill No. 1247 be moved down 5 places on the Calendar.

**\*House Bill No. 2295** -- Education - Authorizes state building commission to require building renovation and expansion in school systems that have been placed on probation. Amends TCA Title 49, Chapter 2. by \*Davis (Cocke). (SB2632 by \*Cooper J)

On motion, House Bill No. 2295 was made to conform with **Senate Bill No. 2632**; the Senate Bill was substituted for the House Bill.

Rep. Davis (Cocke) moved that Senate Bill No. 2632 be passed on third and final consideration.

On motion, Rep. Winningham withdrew Education Committee Amendment No. 1.

Rep. Davis (Cocke) moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 2632 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-2-203(a), is amended by adding the following language as a new, appropriately designated subdivision:

(\_) Adopt policies on the employment of substitute teachers. Such policies shall, at a minimum, address qualifications and training and shall ensure substitute teachers are subject to investigation pursuant to § 49-5-413. Such policies shall also prohibit hiring any substitute teacher whose records with the state department of education indicate a license or certificate currently in revoked status.

SECTION 2. Tennessee Code Annotated, Section 49-2-501(b) is amended by adding a new subpart as follows:

(b)(3)(C) Notwithstanding any other provision of Title 49, in those counties in which all students in grades K – 12 are eligible to be served by city and special school systems, the county shall not be required to operate a separate county school system, nor shall it be necessary that a county school board be elected or otherwise constituted.

SECTION 3. This act shall take effect July 1, 2002, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Davis (Cocke) moved that **Senate Bill No. 2632**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	57
Noes .....	2
Present and not voting .....	31



**WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY**

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Boyer, Briley, Buttry, Casada, Clem, Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), Dunn, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Hargrove, Harwell, Head, Johnson, Jones U, Kisber, Langster, Lewis, McCord, McDaniel, McKee, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pruitt, Roach, Sands, Sargent, Scroggs, Sharp, Tidwell, Tindell, Turner (Hamilton), Turner (Davidson), Vincent, Walker, Westmoreland, White, Whitson, Winningham, Wood -- 57.

Representatives voting no were: Rowland, Shaw -- 2.

Representatives present and not voting were: Black, Bone, Bowers, Brooks, Brown, Bunch, Caldwell, Chumney, Cole (Carter), Cooper, Ferguson, Fowlkes, Hagood, Hargett, Hood, Kent, Kernell, Maddox, McDonald, Miller, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Shepard, Stanley, Turner (Shelby), West, Windle, Mr. Speaker Naifeh -- 31.

A motion to reconsider was tabled.

**House Bill No. 3134** -- Mental Health and Developmental Disabilities, Dept. of - Expands patient confidentiality and reporting provisions; clarifies criteria for patient decision-making capacity; broadens custody provisions for residential patients; makes other various revisions to mental health and developmental disabilities provisions. Amends TCA Titles 10 and 33. by \*Stanley. (\*SB2957 by \*Person)

On motion, House Bill No. 3134 was made to conform with **Senate Bill No. 2957**; the Senate Bill was substituted for the House Bill.

Rep. Stanley moved that Senate Bill No. 2957 be passed on third and final consideration.

On motion, Senate Bill No. 2957 was moved down 5 places on the Calendar.

**\*House Bill No. 2431** -- Tort Liability - Extends from January 1, 2005, to January 1, 2007, date on which immunity for computer system failure due to date or time changes expires. Amends TCA Title 29, Chapter 20. by \*Brown. (SB2518 by \*Crutchfield)

Rep. Brown moved that House Bill No. 2431 be reset for the Regular Calendar on May 8, 2002, which motion prevailed.

**House Bill No. 1736** -- Public Health - Requires inspection fees for medical radiation machines be set amount; removes condition that lower inspection fee be based on requirement that all medical radiation machines be inspected by qualified individual within specified times. Amends TCA Section 68-202-503. by \*West. (\*SB1798 by \*Haynes)

On motion, House Bill No. 1736 was made to conform with **Senate Bill No. 1798**; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 1798 be passed on third and final consideration.

**WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY**

On motion, Rep. Armstrong withdrew Health and Human Resources Committee Amendment No. 1.

On motion, Rep. Armstrong withdrew Health and Human Resources Committee Amendment No. 2.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 1798 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-202-503(b), is amended in the first sentence by deleting the following language and punctuation:

; provided, that all tubes subject to registration by such registrant are inspected by a qualified individual and are inspected within the time limits established above and substituting instead the following:

; provided, that an inspection is performed by a qualified individual and the inspection and the inspection report meet the requirements of the department's rules and the report is filed within sixty (60) days of the inspection

SECTION 2. Tennessee Code Annotated, Section 68-202-503(b), is amended by deleting the phrase "in § 68-202-502" and substituting instead, "pursuant to Title 68, Chapter 203".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 3 was adopted.

Rep. West moved that **Senate Bill No. 1798**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 2606** -- Private Protective Services - Changes administration of private protective services from commissioner of commerce and insurance to private protective services commission. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 35. by \*West. (\*SB2704 by \*Davis L)

Rep. West moved that House Bill No. 2606 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2606 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-35-102, is amended by adding a new item thereto, as follows:

( ) "Commission" means the private investigation, polygraph and private protective services commission, created by § 62-26-301;

SECTION 2. Tennessee Code Annotated, Section 62-35-103(a)(8), is amended by deleting the language "the commissioner" and by substituting instead the language "commission".

SECTION 3. (a) Tennessee Code Annotated, Section 62-35-103(a)(10), is amended by deleting the language "approved by the commissioner" and by substituting instead the language "approved by the commission".

(b) Tennessee Code Annotated, Section 62-35-103(a)(10), is further amended by deleting the language "The commissioner shall approve" and by substituting instead the language "The commission or the commission's designee shall approve".

SECTION 4. Tennessee Code Annotated, Section 62-35-103(b)(3), is amended by deleting the language "commissioner" and by substituting instead the language "commission or the commission's designee".

SECTION 5. Tennessee Code Annotated, Section 62-35-104, is amended by deleting the language "commissioner" and by substituting instead the language "commission".

SECTION 6. Tennessee Code Annotated, Section 62-35-105(a), is amended by deleting the language "commissioner" and by substituting instead the language "commission".

SECTION 7. Tennessee Code Annotated, Section 62-35-105(a)(6), is amended by deleting the language "commissioner" and by substituting instead the language "commission".

SECTION 8. Tennessee Code Annotated, Section 62-35-106(6)(C), is amended by deleting the language "by the commissioner".

SECTION 9. Tennessee Code Annotated, Section 62-35-107(a), is amended by deleting the language "commissioner" and by substituting instead the language "commission".

SECTION 10. Tennessee Code Annotated, Section 62-35-107(b), is amended by deleting the language "commissioner" wherever it may be found and by substituting instead the language "commission".

SECTION 11. Tennessee Code Annotated, Section 62-35-107(c), is amended by deleting the language "commissioner" and by substituting instead the language "commission".

SECTION 12. Tennessee Code Annotated, Section 62-35-110(a), is amended by deleting the language "commissioner" and by substituting instead the language "commission or the commission's designee".

SECTION 13. Tennessee Code Annotated, Section 62-35-110(b), is amended by deleting the language "commissioner" wherever it may be found and by substituting instead the language "commission".

SECTION 14. Tennessee Code Annotated, Section 62-35-110(c), is amended by deleting the language "commissioner" and by substituting instead the language "commission".

SECTION 15. Tennessee Code Annotated, Section 62-35-111(a)(1), is amended by deleting the language "commissioner" and by substituting instead the language "commission".

SECTION 16. Tennessee Code Annotated, Section 62-35-111(b), is amended by deleting the language "The commissioner may, in the commissioner's discretion" and by substituting instead the language "The commission may, in the commission's discretion".

SECTION 17. Tennessee Code Annotated, Section 62-35-112, is amended by deleting the language "commissioner" wherever it may be found and by substituting instead the language "commission".

SECTION 18. (a) Tennessee Code Annotated, Section 62-35-113(a), is amended by deleting the language "commissioner" and by substituting instead the language "commission".

(b) Tennessee Code Annotated, Section 62-35-113(b), is amended by deleting the language "commissioner" and by substituting instead the language "commission".

SECTION 19. Tennessee Code Annotated, Section 62-35-114, is amended in the third sentence by deleting the language "commissioner" and by substituting instead the language "commission".

SECTION 20. Tennessee Code Annotated, Section 62-35-115(a), is amended by deleting the language "commissioner" and by substituting instead the language "commission".

SECTION 21. (a) Tennessee Code Annotated, Section 62-35-116(a), is amended by deleting the language "commissioner" and by substituting instead the language "commission".

(b) Tennessee Code Annotated, Section 62-35-116(b), is amended by deleting the language "commissioner" and by substituting instead the language "commission".

SECTION 22. Tennessee Code Annotated, Section 62-35-117(6), is amended by deleting the language "commissioner" and by substituting instead the language "commission".

SECTION 23. Tennessee Code Annotated, Section 62-35-118(a)(5), is amended by deleting the language "the commissioner shall require appropriate training" and by substituting instead the language "the commission shall require appropriate training".

SECTION 24. Tennessee Code Annotated, Section 62-35-118(a)(5), is further amended by deleting the language "upon demand by the commissioner or the commissioner's duly authorized agent" and by substituting instead the language "upon demand by the commission or the commission's duly authorized agent".

SECTION 25. Tennessee Code Annotated, Section 62-35-118(b)(2), is amended by deleting the language "commissioner" and by substituting instead the language "commission".

SECTION 26. Tennessee Code Annotated, Section 62-35-118(c), is amended by deleting the language "commissioner" and by substituting instead the language "commission".

SECTION 27. Tennessee Code Annotated, Section 62-35-118(d)(3), is amended by deleting the language "commissioner" and "commissioner's" and by substituting instead the language "commission" and commission's" respectively.

SECTION 28. Tennessee Code Annotated, Section 62-35-119(a), is amended by deleting the language "commissioner" and by substituting instead the language "commission".

SECTION 29. Tennessee Code Annotated, Section 62-35-119(b), is amended by deleting the language "commissioner" wherever it may be found and by substituting instead the language "commission".

SECTION 30. Tennessee Code Annotated, Section 62-35-119(c), is amended by deleting the language "commissioner" wherever it may be found and by substituting instead the language "commission".

SECTION 31. (a) Tennessee Code Annotated, Section 62-35-120(a), is amended by deleting the language "commissioner" and "commissioner's" and by substituting instead the language "commission" and commission's" respectively.

(b) Tennessee Code Annotated, Section 62-35-120(b), is amended by deleting the language "commissioner" and "commissioner's" and by substituting instead the language "commission" and commission's" respectively.

SECTION 32. Tennessee Code Annotated, Section 62-35-122, is amended in subsections (b), (c) and (d) by deleting the language "commissioner" and by substituting instead the language "commission".

SECTION 33. Tennessee Code Annotated, Section 62-35-123, is amended by deleting the language "commissioner" wherever it may be found and by substituting instead the language "commission".

SECTION 34. Tennessee Code Annotated, Section 62-35-124, is amended by deleting the language "commissioner" and "commissioner's" wherever it may be found and by substituting instead the language "commission" and commission's" as appropriate.

SECTION 35. Tennessee Code Annotated, Section 62-35-125, is amended by deleting the language "commissioner" wherever it may be found and by substituting instead the language "commission".

SECTION 36. Tennessee Code Annotated, Section 62-35-126, is amended in subsections (f) and (g) by deleting the language "commissioner" wherever it may be found and by substituting instead the language "commission".

SECTION 37. (a) Tennessee Code Annotated, Section 62-35-129, is amended by deleting the language "commissioner" and "commissioner's" wherever it may be found and by substituting instead the language "commission" and commission's" as appropriate.

(b) Tennessee Code Annotated, Section 62-35-129, is further amended by deleting subsection (c) in its entirety.

SECTION 38. Tennessee Code Annotated, Section 62-35-130, is amended by deleting the language "commissioner" wherever it may be found and by substituting instead the language "commission".

SECTION 39. Tennessee Code Annotated, Section 62-35-131(d), is amended by deleting the language "commissioner" and "commissioner's" wherever it may be found and by substituting instead the language "commission" and "commission's" as appropriate.

SECTION 40. Tennessee Code Annotated, Section 62-35-132, is amended by deleting the language "commissioner" and by substituting instead the language "commission or the commission's designee".

SECTION 41. (a) Tennessee Code Annotated, Section 62-35-133, is amended by deleting the language "The commissioner shall provide" and by substituting instead the language "The commission or the commission's designee shall provide".

(b) Tennessee Code Annotated, Section 62-35-133, is further amended in subdivision (2) by deleting the language "as the commissioner may fix" and by substituting instead the language "as the commission may fix".

SECTION 42. Tennessee Code Annotated, Section 62-27-102(1), is amended by deleting item (1) in its entirety and by substituting instead the following:

(1) "Commission" means the private investigation, polygraph and private protective services commission, created by § 62-26-301;

SECTION 43. Tennessee Code Annotated, Section 62-26-301(a), is amended by deleting the language "Tennessee private investigation and polygraph commission" and by substituting instead the language "Tennessee private investigation, polygraph and private protective services commission".

SECTION 44. Tennessee Code Annotated, Section 62-26-301(b), is amended by deleting the language "Seven (7)" and by substituting instead the language "Four (4)".

SECTION 45. Tennessee Code Annotated, Section 62-26-301(c), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Of the remaining five (5) members of the commission, one (1) shall be the owner or manager of a proprietary security organization as defined in § 62-35-102, one (1) shall be owner or principal corporate officer of a contract security company as defined in § 62-35-102, one (1) shall be a either an armed security officer/guard or a security officer/guard, one (1) member shall be a polygraph examiner licensed pursuant to chapter 27 of this title, and one (1) member shall be a person who is not engaged in or conducting the business of, or acting in the capacity of, a private investigator, polygraph examiner, or security officer/guard.

SECTION 46. (a) Tennessee Code Annotated, Section 4-29-226(a), is amended by deleting item (51) in its entirety.

(b) Tennessee Code Annotated, Section 4-29-226(a), is amended by deleting item (33) in its entirety and by substituting instead the following:

(33) Private investigation, polygraph and private protective services commission, created pursuant to § 62-26-301;

SECTION 47. It is the intent of this act that appointments made pursuant to this act to the private investigation, polygraph and private protective services commission be made to vacancies on the existing private investigation and polygraph commission and that no members currently serving on the commission shall be replaced.

SECTION 48. All rules promulgated pursuant to the authority authorized in title 62, chapter 35, shall remain in full force and effect, and shall thereafter be administered by the private investigation, polygraph and private protective services commission, and all proposed rules pending with the attorney general and reporter or secretary of state, unless withdrawn, shall continue that status as proposed rules until becoming effective as rules of the private investigation, polygraph and private protective services commission.

SECTION 49. For the purpose of appointing members to the private investigation, polygraph and private protective services commission and for promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2003, the public welfare requiring it.

On motion, Government Operations Committee Amendment No. 1 was adopted.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1 as House Amendment No. 2.

Rep. West moved that **House Bill No. 2606**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0



Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

### CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

### REGULAR CALENDAR, CONTINUED

**House Bill No. 1247** -- Motor Vehicles, Titling and Registration - Authorizes issuance of cultural plates for Horticulture. Amends TCA Title 54 and Title 55. by \*Head, \*Fowlkes. (\*SB1293 by \*Cooper J)

Further consideration of House Bill No. 1247 previously considered on today's Calendar at which time the House was on the motion to adopt Amendment(s) No(s) 1.

Rep. Ridgeway moved to withdraw the motion to adopt Transportation Committee Amendment No. 1, which motion prevailed.

On motion, House Bill No. 1247 was made to conform with **Senate Bill No. 1293**; the Senate Bill was substituted for the House Bill.

Rep. Head moved that Senate Bill No. 1293 be passed on third and final consideration.

On motion, Rep. Ridgeway withdrew Transportation Committee Amendment No. 1.

Rep. Head moved that **Senate Bill No. 1293** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

**WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY**

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 2954** -- Radio and Television - Authorizes certain municipalities operating electric plant to provide cable service within county in which municipality is located under certain circumstances. Amends TCA Section 7-52-601. by \*Rinks. (\*SB2543 by \*Kyle)

Rep. Rinks moved that House Bill No. 2954 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2954 by deleting from Section 1 of the printed bill the amendatory Section 7-52-601(e) and by substituting instead the following language:

(e)(1) Notwithstanding the foregoing, the comptroller of the treasury shall select, not later than June 1, 2002, a municipal electric system providing services in accordance with this part to provide, as a pilot project, the services permitted under this section beyond its service area but not beyond the boundaries of the county in which such municipal electric system is principally located provided that:

(A) The municipal electric system receives a resolution from the legislative body of the county regarding service in unincorporated areas of the county, or any other municipality within such county regarding service within such municipality, requesting the municipal electric system to provide such services to its residents; and

(B) The municipal electric system obtains the consent of each electric cooperative or other municipal electric system in whose territory the municipal electric system will provide such services.

(2) The comptroller shall report to the general assembly, not later than January 31, 2005, with recommendations regarding whether the pilot project should be continued or expanded to other systems.

## WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Rinks moved that **House Bill No. 2954**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

### RECOGNITION IN THE WELL

Rep. Windle was recognized in the Well to introduce Miss Jessica Dawn Smith, the 2002 America's Most Beautiful Mini Majorette.

### REGULAR CALENDAR, CONTINUED

**House Bill No. 2856** -- Taxes, Franchise - Includes as deduction from franchise taxes value of interest held by taxpayer in certain insurance companies paying gross premiums tax. Amends TCA Section 67-4-2107. by \*Kisber. (\*SB2786 by \*Rochelle)

On motion, House Bill No. 2856 was made to conform with **Senate Bill No. 2786**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that **Senate Bill No. 2786** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**\*Senate Bill No. 2957** -- Mental Health and Developmental Disabilities, Dept. of - Expands patient confidentiality and reporting provisions; clarifies criteria for patient decision-making capacity; broadens custody provisions for residential patients; makes other various revisions to mental health and developmental disabilities provisions. Amends TCA Titles 10 and 33. by \*Person. (HB3134 by \*Stanley)

Further consideration of Senate Bill No. 2957 previously considered on today's Calendar at which time the Senate Bill was substituted for the House Bill.

Rep. Stanley moved that Senate Bill No. 2957 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Stanley moved that **Senate Bill No. 2957** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**\*House Bill No. 2301** -- Education - Authorizes department of education to include information on driving under influence of drugs and alcohol and consequences of being arrested for alcohol- or drug-related offense to driver education courses. Amends TCA Title 49. by \*Kisber. (SB2628 by \*Cooper J)

On motion, House Bill No. 2301 was made to conform with **Senate Bill No. 2628**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 2628 be passed on third and final consideration.

On motion, Rep. Winningham withdrew Education Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 2628** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 2827** -- Education, Dept. of - Requires commissioner to promulgate rules regarding timely release of education data for research purposes and to appoint task force regarding such rules composed of one representative each from University of Tennessee, board of regents, and office of education accountability; grants office of education accountability access to confidential student records. by \*Winningham. (SB2969 by \*McNally)

Rep. Winningham moved that House Bill No. 2827 be passed on third and final consideration.

Rep. Winningham moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2827 by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 1, Part 2, is amended by adding the following language as a new section:

49-1-218. Before January 2003, the commissioner of education shall establish guidelines regarding the timely and responsible release of education data for research purposes. In establishing such guidelines, the commissioner shall assemble a task force which shall be composed of the commissioner or the commissioner's designee, the chair of the state board of education or the chair's designee, the chair of the higher education commission or the chair's designee, the comptroller of the treasury or the comptroller's designee, one person appointed by the chair of the education committee of the house of representatives and one person appointed by the chair of the education committee of the senate. Provided that no individual who contracts with the department of education may serve on the task force.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. Winningham moved that **House Bill No. 2827**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 347** -- Courts, Administrative Office of the - Restates and clarifies procedures and policies pertaining to administrative office of courts. Amends TCA Title 9, Chapter 4; Title 16; Title 17 and Title 18. by \*Buck, \*Winningham. (SB1421 by \*Person)

On motion, House Bill No. 347 was made to conform with **Senate Bill No. 1421**; the Senate Bill was substituted for the House Bill.

Rep. Winningham moved that Senate Bill No. 1421 be passed on third and final consideration.

Rep. Winningham requested that Senate Bill No. 1421 be moved to the heel of the Calendar.

**\*House Bill No. 2892** -- Fees - Increases firework permit fee for wholesaler from \$250 to \$500; for seasonal retailer from \$25.00 to \$100; for display from \$10.00 to \$50.00; increases stabilizing system permit fee from \$12.00 to \$75.00. Amends TCA Section 68-104-102(d) and Section 68-126-406(b). by \*McKee. (SB2939 by \*Clabough)

Rep. McKee moved that House Bill No. 2892 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2892 by deleting Section 2 in its entirety and renumbering the subsequent sections accordingly.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. McKee moved that **House Bill No. 2892**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0
Present and not voting .....	3

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Brooks, Goins, Turner (Shelby) -- 3.

A motion to reconsider was tabled.

**House Bill No. 1759** -- Consumer Protection - Adds new unfair or deceptive practice of making representations in primary text of solicitation, promotion, advertisement, or other offering that is contradicted in disclosure that is inconspicuous, concealed, or otherwise obscure. Amends TCA Title 47, Chapter 18. by \*Briley, \*Sands, \*Ridgeway, \*Pinion, \*Cole (Dyer). (\*SB1113 by \*Herron)

Rep. Briley moved that House Bill No. 1759 be reset for the Regular Calendar on May 8, 2002, which motion prevailed.

## **RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for May 1, 2002:

**House Resolution No. 265** -- Memorials, Interns - Faith Martin. by \*Ford S.

**House Resolution No. 266** -- Memorials, Recognition - May 6-10, 2002, Nurses Recognition Week, Methodist Health Care System. by \*Cole (Dyer).

**House Resolution No. 267** -- Memorials, Recognition - Ms. Ena Chantal Frye. by \*Towns.

**House Resolution No. 268** -- Memorials, Interns - Rachel D. Sharp, Intern. by \*Hood, \*Shaw.

**House Resolution No. 269** -- Memorials, Recognition - Brandy Anderson. by \*Cooper B, \*Brooks.

**\*House Resolution No. 270** -- General Assembly, Statement of Intent or Position - Encourages local education agencies to establish blue ribbon commissions to provide for participatory forums to improve public education. by \*Cooper B, \*Brooks, \*Jones U (Shelby), \*Shaw, \*Turner (Shelby).

**House Resolution No. 271** -- Memorials, Academic Achievement - Angela Diane Price, Valedictorian, Bishop Byrne High School. by \*Bowers.

**House Resolution No. 272** -- Memorials, Academic Achievement - Shelia Gathoni Njoroge, Salutatorian, Bishop Byrne High School. by \*Bowers.

**House Joint Resolution No. 915** -- Memorials, Personal Occasion - Samuel Earl and Linda May Shields Hunt, 50th Wedding Anniversary. by \*Odum.

**House Joint Resolution No. 916** -- Memorials, Academic Achievement - Stephanie Stafford, Valedictorian, Friendship Christian School. by \*Beavers, \*Bone.

**House Joint Resolution No. 917** -- Memorials, Academic Achievement - Mandy Ham, Salutatorian, Wilson Central High School. by \*Beavers, \*Bone.



**WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY**

**House Joint Resolution No. 918** -- Memorials, Academic Achievement - Angela Hart, Perfect Attendance, Bristol Tennessee High School. by \*Mumpower.

**House Joint Resolution No. 921** -- Memorials, Recognition - Cadet Petty Officer First Class Atasha L. Jackson. by \*Godsey.

**House Joint Resolution No. 922** -- Memorials, Academic Achievement - Ryan James Sells, Valedictorian, Bolton High School. by \*Hargett, \*Pleasant.

**House Joint Resolution No. 923** -- Memorials, Academic Achievement - Leslie Michelle O'Neal, Salutatorian, Bolton High School. by \*Hargett, \*Pleasant.

**House Joint Resolution No. 924** -- Memorials, Academic Achievement - Ryan Eugene DeBoard, Valedictorian, Bartlett High School. by \*Hargett, \*Pleasant.

**House Joint Resolution No. 925** -- Memorials, Professional Achievement - General Carl Stiner, contributor to best-selling book, Shadow Warriors. by \*Goins, \*Baird.

**House Joint Resolution No. 926** -- Memorials, Academic Achievement - Michael Thomas Finner, Jr., Salutatorian, Bartlett High School. by \*Hargett, \*Pleasant.

**House Joint Resolution No. 927** -- Memorials, Academic Achievement - Christina Haines, Salutatorian, Mt. Juliet High School. by \*Beavers, \*Bone.

**House Joint Resolution No. 928** -- Memorials, Academic Achievement - Charles Deryl Smith III, Salutatorian, Hermitage Springs High School. by \*Beavers, \*Winningham.

**House Joint Resolution No. 929** -- Memorials, Academic Achievement - Kelley Leeann Cherry, Valedictorian, Hermitage Springs High School. by \*Beavers, \*Winningham.

**House Joint Resolution No. 930** -- Memorials, Professional Achievement - Diane Bates Bennett, Lebanon/Wilson County Chamber of Commerce Teacher of the Year. by \*Bone, \*Beavers.

**House Joint Resolution No. 931** -- Memorials, Death - Ernest Johnson. by \*Bone.

**House Joint Resolution No. 933** -- Memorials, Personal Occasion - Mr. and Mrs. Claborn Wilson, Jr., 50th wedding anniversary. by \*Walker, \*Curtiss.

**House Joint Resolution No. 934** -- Memorials, Recognition - Lakeshore Estates, 50th Anniversary. by \*McDonald, \*Black.

**House Joint Resolution No. 935** -- Memorials, Public Service - Walter Durham, Tennessee State Historian. by \*McDonald, \*Black, \*Hargrove, \*Fowlkes, \*Naifeh.

**House Joint Resolution No. 936** -- Memorials, Academic Achievement - Lauren Ellen Maness, Valedictorian, Union County High School. by \*Goins, \*Baird.

## **WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY**

**House Joint Resolution No. 937** -- Memorials, Academic Achievement - Kayla Brummitte, Valedictorian, Union County High School. by \*Goins, \*Baird.

**House Joint Resolution No. 938** -- Memorials, Academic Achievement - Ian Slayton, Valedictorian, Union County High School. by \*Goins, \*Baird.

**House Joint Resolution No. 939** -- Memorials, Academic Achievement - Justin Chance Smith, Valedictorian, Union County High School. by \*Goins, \*Baird.

**House Joint Resolution No. 940** -- Memorials, Academic Achievement - Jennifer Shea Cooke, Valedictorian, Union County High School. by \*Goins, \*Baird.

**House Joint Resolution No. 941** -- Memorials, Academic Achievement - Stacy McCoy, Valedictorian, Union County High School. by \*Goins, \*Baird.

**House Joint Resolution No. 942** -- Memorials, Death - Martha Lee Ellis Stanley. by \*Dunn, \*Buttry, \*Bittle, \*Tindell, \*Armstrong, \*Hagood, \*Boyer.

## **SUPPLEMENTAL CONSENT CALENDAR**

**House Resolution No. 265** -- Memorials, Interns - Faith Martin. by \*Ford S.

**House Resolution No. 266** -- Memorials, Recognition - May 6-10, 2002, Nurses Recognition Week, Methodist Health Care System. by \*Cole (Dyer).

**House Resolution No. 267** -- Memorials, Recognition - Ms. Ena Chantal Frye. by \*Towns.

**House Resolution No. 268** -- Memorials, Interns - Rachel D. Sharp, Intern. by \*Hood, \*Shaw.

**House Resolution No. 269** -- Memorials, Recognition - Brandy Anderson. by \*Cooper B, \*Brooks.

**\*House Resolution No. 270** -- General Assembly, Statement of Intent or Position - Encourages local education agencies to establish blue ribbon commissions to provide for participatory forums to improve public education. by \*Cooper B, \*Brooks, \*Jones U (Shelby), \*Shaw, \*Turner (Shelby).

**House Resolution No. 271** -- Memorials, Academic Achievement - Angela Diane Price, Valedictorian, Bishop Byrne High School. by \*Bowers.

**House Resolution No. 272** -- Memorials, Academic Achievement - Shelia Gathoni Njoroge, Salutatorian, Bishop Byrne High School. by \*Bowers.

**House Joint Resolution No. 915** -- Memorials, Personal Occasion - Samuel Earl and Linda May Shields Hunt, 50th Wedding Anniversary. by \*Odom.

**WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY**

**House Joint Resolution No. 917** -- Memorials, Academic Achievement - Mandy Ham, Salutatorian, Wilson Central High School. by \*Beavers, \*Bone.

**House Joint Resolution No. 916** -- Memorials, Academic Achievement - Stephanie Stafford, Valedictorian, Friendship Christian School. by \*Beavers, \*Bone.

**House Joint Resolution No. 918** -- Memorials, Academic Achievement - Angela Hart, Perfect Attendance, Bristol Tennessee High School. by \*Mumpower.

**House Joint Resolution No. 921** -- Memorials, Recognition - Cadet Petty Officer First Class Atasha L. Jackson. by \*Godsey.

**House Joint Resolution No. 922** -- Memorials, Academic Achievement - Ryan James Sells, Valedictorian, Bolton High School. by \*Hargett, \*Pleasant.

**House Joint Resolution No. 923** -- Memorials, Academic Achievement - Leslie Michelle O'Neal, Salutatorian, Bolton High School. by \*Hargett, \*Pleasant.

**House Joint Resolution No. 924** -- Memorials, Academic Achievement - Ryan Eugene DeBoard, Valedictorian, Bartlett High School. by \*Hargett, \*Pleasant.

**House Joint Resolution No. 925** -- Memorials, Professional Achievement - General Carl Stiner, contributor to best-selling book, Shadow Warriors. by \*Goins, \*Baird.

**House Joint Resolution No. 926** -- Memorials, Academic Achievement - Michael Thomas Finner, Jr., Salutatorian, Bartlett High School. by \*Hargett, \*Pleasant.

**House Joint Resolution No. 927** -- Memorials, Academic Achievement - Christina Haines, Salutatorian, Mt. Juliet High School. by \*Beavers, \*Bone.

**House Joint Resolution No. 928** -- Memorials, Academic Achievement - Charles Deryl Smith III, Salutatorian, Hermitage Springs High School. by \*Beavers, \*Winningham.

**House Joint Resolution No. 929** -- Memorials, Academic Achievement - Kelley Leeann Cherry, Valedictorian, Hermitage Springs High School. by \*Beavers, \*Winningham.

**House Joint Resolution No. 930** -- Memorials, Professional Achievement - Diane Bates Bennett, Lebanon/Wilson County Chamber of Commerce Teacher of the Year. by \*Bone, \*Beavers.

**House Joint Resolution No. 931** -- Memorials, Death - Ernest Johnson. by \*Bone.

**House Joint Resolution No. 933** -- Memorials, Personal Occasion - Mr. and Mrs. Claborn Wilson, Jr., 50th wedding anniversary. by \*Walker, \*Curtiss.

**House Joint Resolution No. 934** -- Memorials, Recognition - Lakeshore Estates, 50th Anniversary. by \*McDonald, \*Black.

**WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY**

**House Joint Resolution No. 935** -- Memorials, Public Service - Walter Durham, Tennessee State Historian. by \*McDonald, \*Black, \*Hargrove, \*Fowlkes, \*Naifeh.

**House Joint Resolution No. 936** -- Memorials, Academic Achievement - Lauren Ellen Maness, Valedictorian, Union County High School. by \*Goins, \*Baird.

**House Joint Resolution No. 937** -- Memorials, Academic Achievement - Kayla Brummitte, Valedictorian, Union County High School. by \*Goins, \*Baird.

**House Joint Resolution No. 938** -- Memorials, Academic Achievement - Ian Slayton, Valedictorian, Union County High School. by \*Goins, \*Baird.

**House Joint Resolution No. 939** -- Memorials, Academic Achievement - Justin Chance Smith, Valedictorian, Union County High School. by \*Goins, \*Baird.

**House Joint Resolution No. 940** -- Memorials, Academic Achievement - Jennifer Shea Cooke, Valedictorian, Union County High School. by \*Goins, \*Baird.

**House Joint Resolution No. 941** -- Memorials, Academic Achievement - Stacy McCoy, Valedictorian, Union County High School. by \*Goins, \*Baird.

**House Joint Resolution No. 942** -- Memorials, Death - Martha Lee Ellis Stanley. by \*Dunn, \*Buttry, \*Bittle, \*Tindell, \*Armstrong, \*Hagood, \*Boyer.

Rep. McDonald moved that all members voting aye on House Joint Resolution(s) No(s). 934 and 935 be added as sponsors, which motion prevailed.

Rep. Cole (Dyer) moved that all members voting aye on House Resolution No. 266 be added as sponsors, which motion prevailed.

Rep. Walker moved that all members voting aye on House Joint Resolution No. 933 be added as sponsors, which motion prevailed.

Rep. Cooper moved that all members voting aye on House Resolution No. 270 be added as sponsors, which motion prevailed.

Rep. Bowers moved that all members voting aye on House Resolution(s) No(s). 271 and 272 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

### REGULAR CALENDAR, CONTINUED

**House Bill No. 1056** -- Gas, Petroleum Products, Volatile Oils - Allows utility district, electric cooperative, or municipal electric to enter into or remain in retail sale and distribution of liquefied petroleum gas if such is provided by for-profit corporation in which all stock is owned by utility district, electric cooperative, or municipal electric. Amends TCA Title 6; Title 7; Title 65 and Title 67. by \*Cole (Dyer). (\*SB375 by \*Cooper J)

On motion, House Bill No. 1056 was made to conform with **Senate Bill No. 375**; the Senate Bill was substituted for the House Bill.

Rep. Cole (Dyer) moved that Senate Bill No. 375 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Givens moved the previous question, which motion prevailed.

Rep. Cole (Dyer) moved that **Senate Bill No. 375** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 3159** -- Education, Dept. of - Revises procedure in regard to placing and reviewing schools on probation. Amends TCA, Title 49, by \*Montgomery. (SB3086 by \*Atchley)

Rep. Montgomery moved that House Bill No. 3159 be passed on third and final consideration.

Rep. Winningham moved adoption of Education Committee Amendment No. 1 as amended as follows:

**Amendment No. 1**

AMEND House Bill No. 3159 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-602, is amended by deleting subsection (a) in its entirety, and by substituting instead a new subsection (a):

(a) By September 1 of each year, the commissioner of education shall recommend for approval to the state board a listing of all schools to be placed on notice or probation for failure to make adequate progress in meeting the rules, regulations and performance standards of the state board. If a school system is deemed by the commissioner as not carrying out its responsibilities to a school or schools on notice or probation for technical or other assistance that may ensure that a school meet or exceed the performance standards, or the standards set forth in Section 49-1-210, the system may be included in the recommendation to the state board to be placed on notice or probation. Schools or school systems on notice or probation shall abide by guidelines established by the commissioner for the purpose of improving student performance.

SECTION 2. Tennessee Code Annotated, Section 49-1-602, is further amended by deleting subsection (b) in its entirety, and by substituting instead a new subsection (b):

(b) Such status shall not impair the credits earned by students in that school system or school.

SECTION 3. Tennessee Code Annotated, Section 49-1-602, is further amended by deleting subsection (c) in its entirety, and by substituting instead a new subsection (c):

(c)(1) During the year on notice, the department of education study any school and/or school system placed on notice. The study will include findings on how the school and/or school system can meet the performance standards for adequate yearly progress. The commissioner of education shall have the authority to:

(A) Approve the allocation of state discretionary grants to the school and or school system; and/or

(B) Provide technical assistance to the school and/or school system through an outside expert.

(2) The director of each local education agency serving schools placed on notice shall have responsibility for the following actions:

(A) Prompt notification to parents of students of such identification; and

(B) Revision of school improvement plans.

SECTION 4. Tennessee Code Annotated, Section 49-1-602, is further amended by deleting the subsection (d) in its entirety, and by substituting instead a new subsection (d):

(d) If a system or school does not meet the standards for adequate yearly progress by the end of the first year on notice, the system or school may be placed on probation.

(1) During the first year a system or school is on probation, the commissioner of education shall have the authority to:

(A) Approve a school system's allocation of financial resources to a system or school on probation; and

(B) Appoint a local community review committee to approve and monitor the school improvement plan.

(2) The director of each local education agency serving schools placed on probation shall have responsibility for the following actions:

(A) Prompt notification to parents of students of such identification;

(B) Implementation of performance contracts for the principal;

(C) Provision for remediation services for students;

(D) Notification to parents of their option to transfer their children to another public school within the system; and

(E) Revision of school improvement plans to incorporate joint study findings.

SECTION 5. Tennessee Code Annotated, Section 49-1-602, is further amended by adding a new section (e).

(e) If a school or school system does not meet the standards by the end of the first year on probation, the system or school may be placed on probation for a second year.

(1) During the second year on probation, the commissioner of education shall have the authority to:

(A) Approve a school or system's allocation of financial resources to schools on probation;

(B) Approve a school or system's allocation of personnel resources to the schools placed on probation; and

(C) Present options for a school or system to plan for alternative governance which may include:

(i) contracting with an institution of higher education for operation of the school;

(ii) removing the school from the jurisdiction of the school system and placing the school under the jurisdiction of the department of education; or

(iii) restructuring the school as a public charter school should the general assembly enact separate legislation outside the parameters of this act that authorizes the establishment of public charter schools.

(2) The director of each local education agency serving schools placed on probation shall have the responsibility for the following actions:

(A) Prompt notification to parents of students of such identification;

(B) Implementation of performance contracts for the principal;

(C) Provision for remediation services for students;

(D) Notification to parents of their option to transfer their children to another public school within the system; and



(E) Preparation of a plan for alternative governance from the options provided by the commissioner of education.

SECTION 6. Tennessee Code Annotated, Section 49-1-602, is further amended by adding a new section (f).

(f) If after two (2) consecutive years on probation, a school or system does not make progress to meet the standards for adequate yearly progress, the commissioner of education shall have the authority to:

(1) Assume any or all powers of governance for the school or system; and/or

(2) Recommend to the state board that the director of the local education agency be replaced; and/or

(3) Recommend to the state board that some or all of the local board of education members be replaced.

(4) If the state board concurs with the recommendation, the commissioner shall order the removal of some or all of the board members and/or director of schools and shall declare a vacancy in the office or offices. Vacancies on the board shall be filled by the local legislative body until the next general election for which candidates have time, under law, to qualify and the candidate so elected qualifies to hold the office as provided by law or for the remainder of the term if no such election occurs during the remainder of the term. If the entire board of a special school district is removed, the commissioner shall appoint three (3) responsible citizens of the district to serve on the board, and they shall be authorized to appoint persons to fill the remaining vacancies. Any person selected to fill a vacancy shall serve the remainder of the term. Vacancies in the office of director of schools are filled in accordance with the provisions of law. Any director of schools or board member removed under this section is ineligible for appointment or election to such office for the remainder of such person's term and for one (1) full term thereafter.

SECTION 7. Tennessee Code Annotated, Section 49-1-602, is further amended by adding a new section (g).

(g)(1) An appeal of the decision to remove a director or board member shall be to chancery court of Davidson County.

(2) The chancellor's review shall be confined to whether or not the decision was made in accordance with the procedures authorized by this section.

SECTION 8. Tennessee Code Annotated, Section 49-1-602, is further amended by adding a new section (h).

(h) The release of data, including but not limited to achievement data for grades three (3) through eight (8), for research purposes shall be subject to guidelines established by the commissioner of education.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Education Committee Amendment No. 1 as amended was adopted.

Rep. Montgomery moved that **House Bill No. 3159**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 2086** -- Education - Requires CPR training in either junior or senior high school, as established by state board of education. Amends TCA Title 49, Chapter 6, Part 12. by \*Turner (Davidson), \*Jones, S., \*Shepard. (SB2153 by \*Dixon, \*Davis L)

On motion, House Bill No. 2086 was made to conform with **Senate Bill No. 2153**; the Senate Bill was substituted for the House Bill.

Rep. Turner (Davidson) moved that Senate Bill No. 2153 be passed on third and final consideration.

On motion, Rep. Winningham withdrew Education Committee Amendment No. 1.

On motion, Rep. Winningham withdrew Education Committee Amendment No. 2.

Rep. Winningham moved adoption of Education Committee Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 2153 by deleting in its entirety the text of the bill, as amended, following the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 12, is amended by adding a new section as follows:

Section 49-6-1208. (a) The state board of education may provide for a program of instruction on cardio-pulmonary resuscitation techniques commensurate with the learning expectations within the lifetime wellness curriculum for public junior or senior high schools. All students should participate in this introduction at least once during their attendance in junior or senior high school.

(b) It is not the intention of this legislation to require full certification in CPR. It is the intention of the legislation to authorize instruction in the techniques and skills associated with performing CPR.

(c) The board is requested to implement a program no later than the 2004 – 2005 school year. Earlier implementation of the program is encouraged and the establishment of such program by the state board of education may be designated in such a way to permit such earlier implementation.

SECTION 2. This act shall take effect July 1, 2002, the public welfare requiring it.

On motion, Education Committee Amendment No. 3 was adopted.

Rep. Maddox moved the previous question, which motion prevailed.

Rep. Turner (Davidson) moved that **Senate Bill No. 2153**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....92  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**\*House Bill No. 1816** -- Prisons and Reformatory Institutions - Creates "Family Visitation and Crime Reduction Act." Amends TCA Title 41. by \*Kernell, \*Miller L. (SB2329 by \*Dixon)

On motion, House Bill No. 1816 was made to conform with **Senate Bill No. 2329**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 2329 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 2329** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Beavers, Black -- 2.

A motion to reconsider was tabled.

**House Bill No. 2525** -- Domestic Violence - Requires that identifying information concerning petitioner that is contained in order of protection be treated as confidential by court upon filing of petition. Amends TCA Section 10-7-504. by \*McMillan. (\*SB2580 by \*Burks)

On motion, House Bill No. 2525 was made to conform with **Senate Bill No. 2580**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 2580 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. McMillan moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 2580 by deleting from the amendatory language of SECTION 1 as amended the language "or other law enforcement agency" and substituting instead the language ", other law enforcement agency or 911 or emergency response agency".

On motion, Amendment No. 2 was adopted.

Rep. McMillan moved that **Senate Bill No. 2580**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....94  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Nalfeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 3203** -- Professions and Occupations - Makes certain changes and additions to practice of dentistry provisions, including provisions affecting licensure, continuing education, areas of practice, disability of practitioners, and scope of practice. Amends TCA Title 63, Chapter 5, Part 1. by \*McMillan, \*Odom, \*Jones, S.. (\*SB2726 by \*Person, \*McNally, \*Herron)

On motion, House Bill No. 3203 was made to conform with **Senate Bill No. 2726**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 2726 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2726 by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. The Tennessee Code Annotated, Section 63-5-107(c)(1), is amended by deleting the punctuation "." at the end of the first sentence of the subdivision and by adding the following:

; provided, however, that commencing January 1, 2003, in lieu of the annual continuing education requirement, each person licensed as a dentist or dental hygienist in accordance with this chapter is required to attend and complete during each two-year cycle (except for the two-year cycle of initial licensure) such number of hours of board-approved continuing education courses as are prescribed by the board, subject to a minimum of thirty (30) and a maximum of sixty (60) clock hours.

SECTION 2. Tennessee Code Annotated, Section 63-5-108(c), is amended by inserting the following between the third and fourth sentences of the subsection:

The board is authorized to permit licensed and registered dental hygienists and registered dental assistants to insert, pack, carve and finish amalgam and intracoronal nonmetallic restorations and take final impressions for fixed and removable prosthetic appliances, under the direct supervision and full responsibility of a licensed dentist, and the board shall establish such criteria and curricula as it determines in its discretion are necessary or appropriate to ensure that such hygienists and assistants are qualified to perform such procedures.

SECTION 3. Tennessee Code Annotated, Section 63-5-108(c), is further amended in subdivision (2) by inserting the words and punctuation "except hereinabove provided" between the words "on teeth" and the punctuation ";".

SECTION 4. Tennessee Code Annotated, Section 63-5-108(f), is amended by adding the following at the end of the subsection:

Any dental facility in which general anesthesia, deep sedation or conscious sedation is administered by such dentist is subject to standards as may be specified in rules and regulations of the board.

SECTION 5. Tennessee Code Annotated, Section 63-5-109(8), is amended by deleting the punctuation and word "; provided," and by substituting instead the following:

, a licensed and registered dental hygienist under the direct supervision of a licensed and registered dentist or a registered dental assistant under the direct supervision of a licensed and registered dentist; provided,

SECTION 6. Tennessee Code Annotated, Section 63-5-109, is further amended by deleting the word "or" at the end of subdivision (11); by deleting the period at the end of subdivision (12) and substituting instead a semi-colon and the word "or"; and by adding the following language as a new subdivision to be designated as follows:

(13) Dentists or dental hygienists duly licensed in other states practicing within authorized Tennessee department of health programs, or programs affiliated with the Tennessee department of health for a period not to exceed twenty-four (24) months.

SECTION 7. Tennessee Code Annotated, Section 63-5-110, is amended by adding the following as new subsections (b) and (e) and redesignating existing subsections (b) and (c) as subsections (c) and (d):

(b) The board is authorized to cause a license to be issued to an applicant of good moral character and professional competence who is licensed to practice dentistry in another state (which shall include the District of Columbia or a territory of the United States) if the board determines to its satisfaction that the applicant meets all of the following requirements:

(1) Currently holds a valid license to practice dentistry in another state and provides a copy of such license, and also provides the names of another state in which the applicant is or has been licensed;

(2) Absence of any pending disciplinary charges or action in another state or any current investigation by a disciplinary authority or another state, and provides pertinent information about any disciplinary action imposed against the applicant in any other state, which the board is to evaluate and determine whether such is disqualifying for licensure in this state;

(3) Has not failed previously an examination for licensure to practice dentistry in Tennessee;

(4) Graduation from a dental school or college duly accredited by the American Dental Association Commission on Dental Education;

(5) Demonstrates intent to actively practice or teach in Tennessee;

(6) Has, pursuant to the authority of a state dental licensing board(s):

(A) Practiced dentistry in another state or states for at least five (5) years; or

(B) Taught in an American Dental Association accredited institution for at least five (5) years; or

(C) Any combination of (A) or (B) for at least five (5) years; or

(D) Practiced dentistry for at least two (2) years in another state or states and, in addition, presents satisfactory evidence of passing an examination administered by another state substantially equivalent to the examination required for initial licensure in Tennessee, the appropriateness of such examinations to be evaluated and determined by the board; or

(E) Taught for at least two (2) years in an American Dental Association accredited institution, and, in addition, presents satisfactory evidence of passing an examination administered by a regional testing agency or a clinical board examination administered by another state substantially equivalent to the examination required for initial licensure in Tennessee, the appropriateness of such examination to be evaluated and determined by the board; or

(F) Any combination of (D) or (E) for at least two (2) years; and

(7) Payment of a nonrefundable application fee as set by the board.

(e) The board is authorized, in its discretion, to issue a limited license for the practice of dentistry in American Dental Association accredited institutions or dental education programs or in federally-designated health professional shortage areas, if the applicant meets the following requirements:

(1) Is a graduate of a school of dentistry with a degree substantially equivalent to either a D.D.S. or D.M.D. degree;

(2) Has successfully completed a graduate training program in a recognized specialty branch of dentistry from an advanced specialty program accredited by the American Dental Association;

(3) Has successfully completed the National Board examinations;

(4) Payment of non-refundable fee, as set by the board;

(5) Provides satisfactory evidence of good moral character and professional competency;

(6) Provides proof of naturalization or ability to live and work in the United States; and

(7) Meets other requirements as set by the board.



SECTION 8. Tennessee Code Annotated, Section 63-5-111(a)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(a) (2) The board shall recognize a certificate granted by the American Dental Association's Commission on National Board Dental Examinations and may accept the results of its own board examination or the results of an examination conducted by one (1) or more of the regional testing agencies.

SECTION 9. Tennessee Code Annotated, Section 63-5-121, is amended by redesignating the existing language as subsection (a) and by deleting the language and punctuation ", hospital or any health maintenance organization," and by substituting instead the language and punctuation "or hospital,".

SECTION 10. Tennessee Code Annotated, Section 63-5-121, is further amended by adding the following new subsection (b):

(b) In the event that a dentist is deceased or becomes substantially disabled, the estate or agent of such dentist may employ other dentist(s) for a period of not more than two (2) years to provide services to patients until the practice can be sold or otherwise disposed of or closed.

SECTION 11. Tennessee Code Annotated, Section 63-5-123, is amended by deleting the section in its entirety and by substituting instead the following:

Section 63-5-123. (a) All sole proprietor dentists (dentists who conduct a practice and who do not have a partner or replacement), dentists serving in the National Guard and dentists employed as professors or teachers by any college, school or institution of higher learning shall be exempt from service as jurors in any of the courts.

(b) Dentists other than sole proprietors shall only be exempt from the initial summons to jury duty service by any of the courts if, upon receipt of such summons, dentists notify the clerk of the court issuing the summons, informing the clerk of a seven-day period such dentist will be available to serve as a juror, within the next twelve-month period from the date of the summons. Such dentist shall only be required to serve on one (1) jury during the seven-day period.

SECTION 12. Tennessee Code Annotated, Section 63-5-124(b), is amended by adding the following at the end of the subsection:

The board may, upon finding of probable cause, require a dentist, dental hygienist or dental assistant to complete drug and/or alcohol treatment through a program designated by, or contracting with, the board. The board in its discretion is authorized to share information, interviews, reports, statements, memoranda or other data at the program director's request. Information shared between the board and the program director shall be deemed not to violate laws requiring confidentiality of investigations or peer review records protected under §63-5-131.

SECTION 13. This act shall take effect immediately, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. McMillan moved that **Senate Bill No. 2726**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 1.

Representatives present and not voting were: Patton -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 2882** -- Animals and Animal Cruelty - Increases fees for dog or cat dealer licenses; authorizes stop of vehicles transporting dogs or cats to check for licensure compliance and confiscation of endangered animals; utilizes animal friendly specialty license plate proceeds to defray costs. - Title 44, Chapter 17, Part 1; and Title 55, Chapter 4, Part 2. by \*McMillan. (SB2929 by \*Person, \*Cohen)

On motion, House Bill No. 2882 was made to conform with **Senate Bill No. 2929**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 2929 be passed on third and final consideration.

On motion, Rep. Givens withdrew Agriculture Committee Amendment No. 1.

Rep. Givens moved adoption of Agriculture Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 2929 By adding the following language to the end of the amendatory language of Section 7 of the bill as amended:

During the first fiscal year in which revenues derived from the fees collected pursuant to title 44, chapter 17, part 1, exceed one hundred thirty thousand dollars (\$130,000), the department of agriculture shall allocate all such revenues in excess of one hundred thirty thousand dollars (\$130,000) to the animal population control endowment fund. The department of agriculture shall continue the procedure outlined in the preceding sentence during subsequent fiscal years until such time as the department has made reimbursements to the animal population control endowment fund in a total amount of one hundred sixty thousand dollars (\$160,000).

On motion, Agriculture Committee Amendment No. 2 was adopted.

Rep. Bowers moved the previous question, which motion prevailed.

Rep. McMillan moved that **Senate Bill No. 2929**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	86
Noes .....	1
Present and not voting .....	3

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Goins -- 1.

Representatives present and not voting were: Brooks, Montgomery, Turner (Shelby) -- 3.

A motion to reconsider was tabled.

**House Bill No. 2106** -- School Transportation - Prohibits issuance of certificate to drive school bus in this state if applicant has been convicted of DUI, vehicular assault, vehicular homicide, or aggravated vehicular assault within five years of application for certificate; discretionary with board if five years or more. Amends TCA Title 49 and Title 55. by \*Ferguson, \*Harwell, \*Lewis, \*Johnson, \*Overbey, \*Ridgeway. (\*SB2014 by \*Person)

Rep. Ferguson moved that House Bill No. 2106 be passed on third and final consideration.

Rep. Ridgeway requested that Transportation Committee Amendment No. 1 be placed at the heel of the Amendments.

Rep. Ferguson moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2106 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-2107, is amended by adding the following new subsection:

(e) (1) Notwithstanding any other provision of law or rules and regulations adopted pursuant to subsection (b) to the contrary, no person shall be issued a certificate to drive a school bus in this state who, within five (5) years of such person's request for such a certificate, has been convicted in this state, or in any other jurisdiction pursuant to a law prohibiting the same conduct, of a violation of any of the following:

(A) Driving under the influence of an intoxicant as prohibited by § 55-10-401;

(B) Vehicular assault as prohibited by § 39-13-106;

(C) Vehicular homicide as prohibited by § 39-13-213(a)(2);

(D) Aggravated vehicular homicide as prohibited by § 39-13-218; or

(E) Manufacture, delivery, sale or possession of a controlled substance as prohibited by § 39-17-417.

(2) If the request for a certificate to drive a school bus in this state occurs five (5) years or more after the date of any such conviction, the board of education, in its discretion, may issue the person such a certificate.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 21, is amended by adding the following new section 49-6-2117:

Section 49-6-2217 (a) (1) Notwithstanding any other provision of law to the contrary, no private school as defined in § 49-6-3001(c)(3) or church related school as defined in § 49-50-801(a) shall employ or permit a person to drive a school bus in this state who, within five (5) years of such person's application to be employed or serve as a school bus driver, has been convicted in this state, or in any other jurisdiction pursuant to a law prohibiting the same conduct, of a violation of any of the following:

(A) Driving under the influence of an intoxicant as prohibited by § 55-10-401;

(B) Vehicular assault as prohibited by § 39-13-106;

(C) Vehicular homicide as prohibited by § 39-13-213(a)(2);

(D) Aggravated vehicular homicide as prohibited by § 39-13-218; or

(E) Manufacture, delivery, sale or possession of a controlled substance as prohibited by § 39-17-417.

(2) It shall be the responsibility of the private school or church related school to determine whether any person employed by such school to drive a school bus is in compliance with the provisions of this section.

SECTION 3. Tennessee Code Annotated, Title 55, is amended by adding the following language as a new, appropriately designated section:

Section 55-\_\_-\_\_. In addition to the prohibition listed in § 71-3-507(e)(1)(A)(ii), no person who has been convicted of a violation of §§ 39-13-106, 39-13-213(a)(2), 39-13-218, 39-17-417 or 55-10-401 may, for a period of five (5) years after the date of such conviction be employed as, or serve as, a driver transporting children for a child care agency as defined in § 71-3-501.

SECTION 4. The department of human services is authorized to promulgate rules and regulations to effectuate the provisions of Section 2 of this act.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion, Rep. Ridgeway withdrew Transportation Committee Amendment No. 1.

Rep. Overbey moved the previous question, which motion prevailed.

Rep. Ferguson moved that **House Bill No. 2106**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....93  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**\*House Bill No. 3187** -- Medical Occupations - Authorizes dentist to practice anesthesiology if such dentist completed residency program in anesthesiology at accredited medical school from 1963 to 1969 and has been providing anesthesia services since 1963. Amends TCA Section 63-6-204. by \*Ferguson. (SB3115 by \*Person)

On motion, House Bill No. 3187 was made to conform with **Senate Bill No. 3115**; the Senate Bill was substituted for the House Bill.

Rep. Ferguson moved that Senate Bill No. 3115 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 3115 By deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

, or to prohibit the provision of anesthesiology services in licensed health care facilities by a dentist licensed in the state of Tennessee who completed a residence program in anesthesiology at an accredited medical school in years 1963 through 1977.

AND FURTHER AMEND by deleting the amendatory language of Section 2 in its entirety and by substituting instead the following:

, or a dentist licensed in the state of Tennessee who completed a residency program in anesthesiology at an accredited medical school in years 1963 through 1977,

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Ferguson moved that **Senate Bill No. 3115**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**Senate Bill No. 1421** -- Courts, Administrative Office of the - Restates and clarifies procedures and policies pertaining to administrative office of courts. Amends TCA Title 9, Chapter 4; Title 16; Title 17 and Title 18. by \*Person. (\*HB347 by \*Buck, \*Winningham)

Further consideration of Senate Bill No. 1421 previously considered on today's Calendar at which time the Senate Bill was substituted for the House Bill and the House was on the motion to adopt Amendment(s) No(s). 1.

Rep. Winningham moved that Senate Bill No. 1421 be passed on third and final consideration.

Rep. Winningham moved that Amendment No. 1 be withdrawn, which motion prevailed.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1 as amended as House Amendment No. 2.

Rep. Winningham moved that **Senate Bill No. 1421** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0
Present and not voting .....	1

**WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY**

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Chumney -- 1.

A motion to reconsider was tabled.

**House Bill No. 3265** -- Williamson County - Pursuant to local request, authorizes refunding bonds for prior bonded indebtedness of Franklin Special School District. Amends Chapter 563 of the Private Acts of 1949, as amended. by \*Casada. (SB3218 by \*Blackburn)

Further consideration of House Bill No. 3265 previously considered on today's Calendar.

Rep. Casada moved that House Bill No. 3265 be passed on third and final consideration.

Rep. Casada moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3265 by deleting Section 4 of the printed bill in its entirety and by substituting instead the following:

SECTION 4. For the purpose of paying principal of and interest and redemption premiums on the bonds, notes, refunding bonds, and bond anticipation notes herein authorized and any other indebtedness of the district, there is hereby levied, in addition to any tax currently being levied within the boundaries of the district for the benefit of the district, a continuing annual property tax to take effect for the current tax year through tax year 2013, of twenty-eight cents (\$0.28) and of two and one-half cents (\$0.025) for tax years 2014 through 2021, inclusive, per one hundred dollars (\$100) of taxable value of taxable property located within the district for bonds, notes, refunding bonds and bond anticipation notes authorized herein. The rate established herein may be adjusted from time to time in accordance with the procedure set forth in Tennessee Code Annotated, Section 67-5-1704, relating to county-wide reappraisal.



These taxes shall be used exclusively to pay principal of and interest on the bonds, notes, refunding bonds, and bond anticipation notes authorized herein and any other indebtedness of the district as they come due and to maintain debt service fund balances. The board is hereby authorized to pledge such taxes to pay the principal of and interest and any redemption premiums on the bonds, notes, refunding bonds, and bond anticipation notes and any other indebtedness of the district. The taxes shall be annually extended and collected by the county trustee of Williamson County in the manner provided by general law for the extension and collection of county taxes and shall constitute a lien on the property against which they are levied with the like force and effect as do county taxes. The proceeds of these taxes, as and when collected, shall be paid by the county trustee to the district. The proceeds of these taxes, when received by the district, shall be deposited to a debt service fund to be established and maintained by the district. The debt service fund is established for the specific purpose of receiving the taxes authorized herein and any other funds which may from time to time be pledged to the payment of indebtedness of the district. The debt service fund and the funds therein shall be maintained and accounted for until payment in full of all outstanding obligations of the district and shall be used for the purpose of paying principal of and premium, if any, and interest on the bonds, notes, refunding bonds, and bond anticipation notes and any other indebtedness of the district. In the event property taxes and such other funds as shall be pledged to the payment of the indebtedness of the district are not sufficient to pay principal thereof and interest thereon when due, the district shall apply funds from operations or other available funds of the district to the payment thereof. So much of the surplus arising from the tax hereinabove described and not required for the payment of debt service on outstanding obligations of the district may be used, at the discretion of the board, for the construction, improvement, renovation, expansion, furnishing, fixturing and equipping of school buildings and facilities, and additions thereto, in and for the district, including the purchase of all property, real and personal, or interests therein, necessary in connection with such work.

On motion, Amendment No. 1 was adopted.

Rep. Casada moved that **House Bill No. 3265**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Supplemental Consent Calendar No. 2 for May 1, 2002:

**Senate Joint Resolution No. 706** -- Memorials, Academic Achievement - Robert Jacob Sneed, Valedictorian, Springfield High School. by \*Graves.

**Senate Joint Resolution No. 707** -- Memorials, Death - Alice Duffield. by \*McNally.

**Senate Joint Resolution No. 708** -- Memorials, Academic Achievement - Teneicesia Rhodes Pittman, Valedictorian, Trezevant High School. by \*Kyle.

**Senate Joint Resolution No. 709** -- Memorials, Academic Achievement - Melisa Tahne Hayes, Salutatorian, Trezevant High School. by \*Kyle.

**Senate Joint Resolution No. 711** -- Memorials, Interns - Miranda McFarland. by \*Trail.

**Senate Joint Resolution No. 712** -- Memorials, Recognition - Fall Branch Volunteer Fire Department, 50th Anniversary. by \*Crowe.

**Senate Joint Resolution No. 713** -- Memorials, Academic Achievement - Leslie Cristeen West, Valedictorian, Celina High School. by \*Rochelle.

**Senate Joint Resolution No. 714** -- Memorials, Academic Achievement - Reco Emmanuel Thomas Moody, Salutatorian, Celina High School. by \*Rochelle.

**Senate Joint Resolution No. 715** -- Memorials, Academic Achievement - Amy Nicole Murray, Valedictorian, Trousdale County High School. by \*Rochelle.

**Senate Joint Resolution No. 716** -- Memorials, Academic Achievement - Cathy Michelle Bush, Salutatorian, Trousdale County High School. by \*Rochelle.

**Senate Joint Resolution No. 717** -- Memorials, Academic Achievement - Kelly Clayborne, Salutatorian, Macon County High School. by \*Rochelle.

**Senate Joint Resolution No. 718** -- Memorials, Academic Achievement - Crissy Hesson, Valedictorian, Macon County High School. by \*Rochelle.

**Senate Joint Resolution No. 719** -- Memorials, Academic Achievement - Lindsay Gail Johnson, Co-Valedictorian, Macon County High School. by \*Rochelle.

**Senate Joint Resolution No. 720** -- Memorials, Academic Achievement - Daniel Brian Burks, Salutatorian, Cannon County High School. by \*Rochelle.

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**Senate Joint Resolution No. 721** -- Memorials, Academic Achievement - Jonathan Birks Sheetz Higdon, Valedictorian, Cannon County High School. by \*Rochelle.

**Senate Joint Resolution No. 722** -- Memorials, Academic Achievement - Lindsey Brooke Deckerd, Salutatorian, Red Boiling Springs High School. by \*Rochelle.

**Senate Joint Resolution No. 723** -- Memorials, Academic Achievement - Lacey Lynn Langford, Valedictorian, Red Boiling Springs High School. by \*Rochelle.

**Senate Joint Resolution No. 724** -- Memorials, Academic Achievement - Janet Marie Jenkins, Valedictorian, Red Boiling Springs High School. by \*Rochelle.

**Senate Joint Resolution No. 725** -- Memorials, Academic Achievement - Alaina Denise Russell, Valedictorian, Red Boiling Springs High School. by \*Rochelle.

**Senate Joint Resolution No. 726** -- Memorials, Academic Achievement - Adrienne Lee Gifford, Valedictorian, Gordonsville High School. by \*Rochelle.

**Senate Joint Resolution No. 727** -- Memorials, Academic Achievement - Valyn Whittemore, Salutatorian, Gordonsville High School. by \*Rochelle.

**Senate Joint Resolution No. 728** -- Memorials, Academic Achievement - Jeremy Andrews, Valedictorian, Smith County High School. by \*Rochelle.

**Senate Joint Resolution No. 729** -- Memorials, Academic Achievement - Kristen Nichole Fields, Salutatorian, Smith County High School. by \*Rochelle.

**Senate Joint Resolution No. 730** -- Memorials, Academic Achievement - Keeley Leeann Cherry, Valedictorian, Hermitage Springs High School. by \*Rochelle.

**Senate Joint Resolution No. 731** -- Memorials, Academic Achievement - Charles Deryl Smith III, Salutatorian, Hermitage Springs School. by \*Rochelle.

**Senate Joint Resolution No. 732** -- Memorials, Academic Achievement - Bethney Leah Hale, Salutatorian, DeKalb County High School. by \*Rochelle.

**Senate Joint Resolution No. 733** -- Memorials, Academic Achievement - Breanna Dawn Randolph, Valedictorian, DeKalb County High School. by \*Rochelle.

**Senate Joint Resolution No. 734** -- Memorials, Retirement - Nancy P. Barber. by \*Person.

**Senate Joint Resolution No. 735** -- Memorials, Public Service - Carl Swann, Robertson County Commissioner and Cross Plains City Commissioner. by \*Graves.

**Senate Joint Resolution No. 736** -- Memorials, Academic Achievement - Loni Ann Cezley, Co-Salutatorian, Jo Byrns High School. by \*Graves.

**Senate Joint Resolution No. 737** -- Memorials, Academic Achievement - Tyler Walpale, Co-Salutatorian, Jo Byrns High School. by \*Graves.

**Senate Joint Resolution No. 739** -- Memorials, Interns - Andrea E. Crilly. by \*Crutchfield.

**SUPPLEMENTAL CONSENT CALENDAR NO. 2**

**Senate Joint Resolution No. 706** -- Memorials, Academic Achievement - Robert Jacob Sneed, Valedictorian, Springfield High School. by \*Graves.

**Senate Joint Resolution No. 707** -- Memorials, Death - Alice Duffield. by \*McNally.

**Senate Joint Resolution No. 708** -- Memorials, Academic Achievement - Teneicesia Rhodes Pittman, Valedictorian, Trezevant High School. by \*Kyle.

**Senate Joint Resolution No. 709** -- Memorials, Academic Achievement - Melisa Tahne Hayes, Salutatorian, Trezevant High School. by \*Kyle.

**Senate Joint Resolution No. 711** -- Memorials, Interns - Miranda McFarland. by \*Trail.

**Senate Joint Resolution No. 712** -- Memorials, Recognition - Fall Branch Volunteer Fire Department, 50th Anniversary. by \*Crowe.

**Senate Joint Resolution No. 713** -- Memorials, Academic Achievement - Leslie Cristeen West, Valedictorian, Celina High School. by \*Rochelle.

**Senate Joint Resolution No. 714** -- Memorials, Academic Achievement - Reco Emmanuel Thomas Moody, Salutatorian, Celina High School. by \*Rochelle.

**Senate Joint Resolution No. 715** -- Memorials, Academic Achievement - Amy Nicole Murray, Valedictorian, Trousdale County High School. by \*Rochelle.

**Senate Joint Resolution No. 716** -- Memorials, Academic Achievement - Cathy Michelle Bush, Salutatorian, Trousdale County High School. by \*Rochelle.

**Senate Joint Resolution No. 717** -- Memorials, Academic Achievement - Kelly Clayborne, Salutatorian, Macon County High School. by \*Rochelle.

**Senate Joint Resolution No. 718** -- Memorials, Academic Achievement - Crissy Hesson, Valedictorian, Macon County High School. by \*Rochelle.

**Senate Joint Resolution No. 719** -- Memorials, Academic Achievement - Lindsay Gail Johnson, Co-Valedictorian, Macon County High School. by \*Rochelle.

**Senate Joint Resolution No. 720** -- Memorials, Academic Achievement - Daniel Brian Burks, Salutatorian, Cannon County High School. by \*Rochelle.

**Senate Joint Resolution No. 721** -- Memorials, Academic Achievement - Jonathan Birks Sheetz Higdon, Valedictorian, Cannon County High School. by \*Rochelle.

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**Senate Joint Resolution No. 722** -- Memorials, Academic Achievement - Lindsey Brooke Deckerd, Salutatorian, Red Boiling Springs High School. by \*Rochelle.

**Senate Joint Resolution No. 723** -- Memorials, Academic Achievement - Lacey Lynn Langford, Valedictorian, Red Boiling Springs High School. by \*Rochelle.

**Senate Joint Resolution No. 724** -- Memorials, Academic Achievement - Janet Marie Jenkins, Valedictorian, Red Boiling Springs High School. by \*Rochelle.

**Senate Joint Resolution No. 725** -- Memorials, Academic Achievement - Alaina Denise Russell, Valedictorian, Red Boiling Springs High School. by \*Rochelle.

**Senate Joint Resolution No. 726** -- Memorials, Academic Achievement - Adrienne Lee Gifford, Valedictorian, Gordonsville High School. by \*Rochelle.

**Senate Joint Resolution No. 727** -- Memorials, Academic Achievement - Valyn Whittemore, Salutatorian, Gordonsville High School. by \*Rochelle.

**Senate Joint Resolution No. 728** -- Memorials, Academic Achievement - Jeremy Andrews, Valedictorian, Smith County High School. by \*Rochelle.

**Senate Joint Resolution No. 729** -- Memorials, Academic Achievement - Kristen Nichole Fields, Salutatorian, Smith County High School. by \*Rochelle.

**Senate Joint Resolution No. 730** -- Memorials, Academic Achievement - Keeley Leeann Cherry, Valedictorian, Hermitage Springs High School. by \*Rochelle.

**Senate Joint Resolution No. 731** -- Memorials, Academic Achievement - Charles Deryl Smith III, Salutatorian, Hermitage Springs School. by \*Rochelle.

**Senate Joint Resolution No. 732** -- Memorials, Academic Achievement - Bethney Leah Hale, Salutatorian, DeKalb County High School. by \*Rochelle.

**Senate Joint Resolution No. 733** -- Memorials, Academic Achievement - Breanna Dawn Randolph, Valedictorian, DeKalb County High School. by \*Rochelle.

**Senate Joint Resolution No. 734** -- Memorials, Retirement - Nancy P. Barber. by \*Person.

**Senate Joint Resolution No. 735** -- Memorials, Public Service - Carl Swann, Robertson County Commissioner and Cross Plains City Commissioner. by \*Graves.

**Senate Joint Resolution No. 736** -- Memorials, Academic Achievement - Loni Ann Cezley, Co-Salutatorian, Jo Byrns High School. by \*Graves.

**Senate Joint Resolution No. 737** -- Memorials, Academic Achievement - Tyler Walpale, Co-Salutatorian, Jo Byrns High School. by \*Graves.

**Senate Joint Resolution No. 739** -- Memorials, Interns - Andrea E. Crilly. by \*Crutchfield.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar No. 2 be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar No. 2 be concurred in, which motion prevailed by the following vote:

Ayes .....94  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

#### MESSAGE CALENDAR

#### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 2961** -- Boards and Commissions - Adds seven private sector members to board of Tennessee Technology Development Corporation Board. Amends TCA Title 4, Chapter 14. by \*Kisber, \*Caldwell. (SB3106 by \*McNally)

#### Senate Amendment No. 1

AMEND House Bill No. 2961 By adding the following as a new section to precede the effective date section:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 4-14-303, is amended by adding a new subsection thereto, as follows:

(j) In making appointments to the board of directors, the governor, speaker of the house and speaker of the senate shall consider the racial diversity of the board of directors in order to ensure that representatives selected reflect the racial composition of Tennessee.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2961**, which motion prevailed by the following vote:

Ayes .....90  
Noes .....0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

### **RECOGNITION IN THE WELL**

Rep. Davidson and McDaniel were recognized in the Well.

### **RULES SUSPENDED**

Rep. Davidson moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 746 out of order, which motion prevailed.

**Senate Joint Resolution No. 746** -- General Assembly, Recess & Reconvene - Adjourns both houses at close of business on Wednesday, May 1, 2002; reconvenes House on Wednesday, May 8, 2002 at 1:00 p.m.; reconvenes both houses on Wednesday, May 15, 2002, at 1:00 p.m. by \*Crutchfield.

On motion of Rep. Davidson, and seconded by Rep. McDaniel, the resolution was concurred in.

A motion to reconsider was tabled.

### **MESSAGE CALENDAR, CONTINUED**

#### **HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 3101** -- Alcoholic Beverages - Clarifies definition of phrase "on the same location" for purpose of previously existing beer permits to mean within boundaries of parcel or tract on which business is located.. Amends TCA Section 57-5-109. by \*Pruitt, \*Langster. (SB3036 by \*Harper)

#### **Senate Amendment No. 1**

AMEND House Bill No. 3101 by deleting Section 1 of the printed bill and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-5-109, is amended by designating the existing language as subsection (a) and by adding the following new subsections:

(b) For the purposes of this section, "on that same location as of January 1, 1993" means within the boundaries of the parcel or tract of the real property on which the business was located as of January 1, 1993. The provisions of this section apply whether or not a business moves the building on the location and whether or not the business was a conforming or nonconforming use at the time of the move.

(c) If a business applies for a beer permit within the continuous six-month period referenced in this section, and if the city or county denies the business a permit and if the business appeals that denial, a new six-month continuous sale period shall begin to run on the date when the appeal of that denial is final.

Rep. Pruitt moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3101**, which motion prevailed by the following vote:

Ayes .....	85
Noes .....	0
Present and not voting .....	4

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry L, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Mr. Speaker Naifeh -- 85.

Representatives present and not voting were: Dunn, Fowlkes, Sharp, Wood -- 4.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 2941** -- Corporations, For Profit - Authorizes health care providers to be co-investors in professional corporation or professional limited liability company. Amends TCA Title 48, Chapter 101, Part 6 and Title 48, Chapter 248. by \*Briley, \*McDaniel, \*Armstrong. (\*SB2927 by \*Trail)

#### Senate Amendment No. 1

AMEND House Bill No. 2941 by deleting all the language after the enacting clause and substituting in its place the following language:



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SECTION 1. Tennessee Code Annotated, Section 48-101-610, is amended by adding the following language as a new subsection (d):

(d) Notwithstanding any other provision of this chapter, the following health care professionals shall have a right to form and own shares in the same professional corporation formed pursuant to this chapter:

(1) Optometrists licensed under Title 63, Chapter 8, and ophthalmologists licensed under Title 63, Chapter 6 or 9; and

(2) Podiatrists licensed under Title 63, Chapter 3, and physicians licensed under Title 63, Chapter 6 or 9 (except radiologists, pathologists, or anesthesiologists).

The services rendered by these health care professionals are considered related and complementary to one another; provided, nothing in this chapter shall be construed to alter the lawful scope of practice of a professional forming a professional corporation pursuant to this subsection.

SECTION 2. Tennessee Code Annotated, Section 48-248-401, is amended by adding the following language as a new subsection (d):

(d) Notwithstanding any other provision of this chapter, the following health care professionals shall have a right to form and become members of the same professional limited liability company formed pursuant to this chapter:

(1) Optometrists licensed under Title 63, Chapter 8, and ophthalmologists licensed under Title 63, Chapter 6 or 9; and

(2) Podiatrists licensed under Title 63, Chapter 3, and physicians licensed under Title 63, Chapter 6 or 9 (except radiologists, pathologists, or anesthesiologists).

The services rendered by these health care professionals are considered related and complementary to each other; provided, nothing in this chapter shall be construed to alter the lawful scope of practice of a professional forming a professional limited liability company pursuant to this subsection.

SECTION 3. This act shall take effect July 1, 2002, the public welfare requiring it.

**Senate Amendment No. 1 to 1**

AMEND House Bill No. 2941 By changing the period at the end of the amendatory language of subsection (d) of Section 1 to a semi-colon and adding the following language:

and further provided that nothing in this chapter shall be construed to allow any professional forming a professional corporation pursuant to this subsection to conduct the professional's practice in a manner contrary to the standards of ethics applicable to the profession. Such professional shall accurately state his or her professional credentials on any advertisement to the public.

AND FURTHER AMEND by changing the period at the end of the amendatory language of subsection (d) of Section 2 to a semi-colon and adding the following language:

and further provided that nothing in this chapter shall be construed to allow any professional forming a professional limited liability company pursuant to this subsection to conduct the professional's practice in a manner contrary to the standards of ethics applicable to the profession. Such professional shall accurately state his or her professional credentials on any advertisement to the public.

Rep. Briley moved that the House concur in Senate Amendment(s) No(s). 1 as amended to **House Bill No. 2941**, which motion prevailed by the following vote:

Ayes .....	89
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Bunch, Buttry, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh – 89.

Representatives present and not voting were: Boyer -- 1.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE MESSAGE

**Senate Bill No. 2596** -- Highway Signs - "James U.L. Scott Memorial Bridge", Roaring River on S.R. 53 in Jackson County. by \*Burks, \*Davis L. (\*HB2377 by \*Winningham, \*White)

Rep. Winningham moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1 to **Senate Bill No. 2596**, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 2093** -- Solid Waste Disposal - Requires senator and member of house who represent county where landfill or hazardous waste facility is to be located to be notified at least 30 days prior to date department of environment and conservation plans to issue permit for such landfill or facility. Amends TCA Title 68, Chapter 211; Title 68, Chapter 212 and Title 68, Chapter 213. by \*Turner (Davidson). (SB2207 by \*Haynes)

**Senate Amendment No. 1**

AMEND House Bill No. 2903 by deleting Section 3 and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 68-221-711, is amended by deleting subsection (5) and substituting instead the following:

(5) The discharge by any person of sewage or any other waste or contaminant at such proximity to the intake, well or spring serving a public water system in such a manner that it will or will likely endanger the health or safety of customers of the system or cause damage to the system.

AND FURTHER AMEND by deleting Section 4 and substituting instead the following:

SECTION 4. Tennessee Code Annotated, Section 68-221-711, is amended by deleting subsection (8) and substituting instead the following:

(8) The heavy pumping or other heavy withdrawal of water from a public water system or its water supply in a manner that would either interfere with existing customers' normal and reasonable needs or threaten existing customers' health and safety.

AND FURTHER AMEND by deleting Section 2 in its entirety and renumbering the remaining sections appropriately.

**Senate Amendment No. 2**

AMEND House Bill No. 2093 by adding the following as a new section to be appropriately designated:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 211, Part 1, is amended by adding the following as an appropriately designated, new section:

Section 68-211-1\_\_\_. No landfill area for the disposal of solid waste materials in this state shall be constructed on land adjacent to a national park, federally managed natural area or federally managed recreational area.

**Senate Amendment No. 4**

AMEND House Bill No. 2093 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 68, Chapter 211, Part 1, is amended by adding the following language as a new appropriately designated section:

Section 68-211-1\_\_\_\_. No landfill for solid waste disposal to be constructed in an incorporated area shall be located within a distance of one thousand five hundred (1,500) feet of a public school and known to contain caves or sinkhole formations.

Rep. Turner (Davidson) moved that the House nonconcur in Senate Amendment(s) No(s). 1, 2 and 4 to **House Bill No. 2093**, which motion prevailed.

**HOUSE ACTION ON SENATE MESSAGE**

**\*Senate Bill No. 2027** -- Tennessee Regulatory Authority - Permits TRA to regulate transmission of unsolicited faxes and authorizes TRA to fine violators up to \$2,000 per unauthorized fax page; fines to be deposited to public utilities account of state treasurer. Amends TCA Title 65, Chapter 4. by \*Henry, \*Cooper J, \*Cohen. (HB2277 by \*Kisber, \*Naifeh)

Rep. Kisber moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1 to **Senate Bill No. 2027**, which motion prevailed.

**HOUSE ACTION ON SENATE MESSAGE**

**Senate Bill No. 3089** -- Highway Signs - "Candace Ripp Memorial Parkway", segment of U.S. 31A (S.R. 6 or Ellington Parkway) in Davidson County. by \*Harper, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams, Sen.. (\*HB3161 by \*Pruitt, \*Langster)

Rep. Pruitt moved that Senate Bill No. 3089 be reset for the Message Calendar on May 8, 2002, which motion prevailed.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 646:** Rep(s). Givens, Turner (Hamilton), J. DeBerry and Brooks as prime sponsor(s).

**House Bill No. 1106:** Rep(s). Garrett as prime sponsor(s).

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**House Bill No. 1210:** Rep(s). Bunch as prime sponsor(s).

**House Bill No. 1434:** Rep(s). U. Jones as prime sponsor(s).

**House Bill No. 2067:** Rep(s). Buck as prime sponsor(s).

**House Bill No. 2220:** Rep(s). Buck as prime sponsor(s).

**House Bill No. 2411:** Rep(s). Brown as prime sponsor(s).

**House Bill No. 2553:** Rep(s). Clem as prime sponsor(s).

**House Bill No. 2922:** Rep(s). Brooks as prime sponsor(s).

**House Bill No. 2942:** Rep(s). Ford, Patton and Roach as prime sponsor(s).

**House Bill No. 2957:** Rep(s). Buck as first prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). Davidson was/were removed as sponsor(s) of **House Bill No. 2957**.

**ENGROSSED BILLS**

**May 1, 2002**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 3270 and 3272.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**May 1, 2002**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 915, 916, 917, 918, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 933, 934, 935, 936, 937, 938, 939, 940, 941 and 942.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**May 1, 2002**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 866 and 867.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2580, 2632, 2914 and 2918; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2916 and 3268; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3144; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 680; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2869; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2422, 2769, 2897, 3258, 3259, 3260, 3261, 3263 and 3266; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENROLLED BILLS**

**May 1, 2002**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 263 and 264; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**May 1, 2002**

The Speaker signed the following: House Resolution(s) No(s). 263 and 264.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 2002**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 93.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENGROSSED BILLS**

**May 1, 2002**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2606, 2672, 2827, 2892, 2954 and 3159.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2111 and 2539; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENGROSSED BILLS**

**May 1, 2002**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2106 and 3265.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**  
**May 1, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 573, 2283, 2430, 2592, 2900, 2920, 2933, 3028, 3230, 3254, 3255 and 3257, with his approval.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**  
**May 1, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2043 and 3251, without his signature.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE SENATE**  
**May 1, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 532; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 1, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2969; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 1, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 272, 1019, 2073, 2096, 2187, 2429, 2730, 2934 and 3152; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 272** -- Alcoholic Beverages - Clarifies that owner of establishment licensed to sell alcoholic beverages for consumption on premises is not required to have server permit. Amends TCA Title 57, Chapter 3 and Title 57, Chapter 4. by \*Haynes. (HB451 by \*Kent)

**\*Senate Bill No. 1019** -- Wildlife Resources Commission - Authorizes commission to promulgate rules and regulations to adjust fees for licenses and permits and to establish new licenses and permits together with necessary fees. Amends TCA Title 70. by \*Ramsey. (HB1595 by \*Bittle, \*Sargent, \*Montgomery, \*McCord, \*Ridgeway, \*Kent)



**WEDNESDAY, MAY 1, 2002 – EIGHTY-FIFTH LEGISLATIVE DAY**

**\*Senate Bill No. 2073** -- Sunset Laws - Tennessee regulatory authority, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 65, Chapter 1. by \*Harper, \*Burchett, \*Trail. (HB2739 by \*Kernell, \*Brooks, \*Cooper B)

**\*Senate Bill No. 2096** -- Sunset Laws - Panel on health care facility penalties, June 30, 2003. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 11. by \*Harper, \*Burchett, \*Trail. (HB2761 by \*Kernell, \*Cooper B)

**\*Senate Bill No. 2187** -- Sexual Offenses - Earmarks first \$500 of fine imposed for commission of offenses of patronizing prostitution and promoting prostitution to sheriff's department in any county that has established program for rehabilitation and treatment of prostitutes. Amends TCA Title 39, Chapter 13, Part 5 and Title 40, Chapter 35. by \*Harper, \*Haynes. (HB2513 by \*Briley)

**\*Senate Bill No. 2429** -- Motor Vehicles - Licenses low speed motor vehicles. Amends TCA Title 55. by \*Haun. (HB2796 by \*Ridgeway)

**\*Senate Bill No. 2730** -- Criminal Offenses - Creates Class D felony of tampering with public utility with intent to harm another and Class E felony of attempting or threatening to tamper with public utility. Amends TCA Title 39, Chapter 14, Part 4. by \*Person, \*Dixon, \*Ford J, \*Norris, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Elsa, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams, Sen.. (HB2538 by \*Scroggs)

**Senate Bill No. 2934** -- Juvenile Offenders - Adds adjudication for rape of child as situation under which juvenile may be committed to department of children's services for definite, instead of indefinite, period of time. Amends TCA Section 37-1-137. by \*Fowler. (\*HB2887 by \*Scroggs)

**Senate Bill No. 3152** -- Child Custody and Support - Extends offense of custodial interference to address situations in which child is born out of wedlock and mother possesses custody of child pursuant to Section 36-2-303. Amends TCA Section 39-13-306. by \*Person, \*Burks. (\*HB2989 by \*Scroggs)

**ENROLLED BILLS**

**May 1, 2002**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 265, 266, 267, 268, 269, 270, 271 and 272; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**May 1, 2002**

The Speaker signed the following: House Resolution(s) No(s). 265, 266, 267, 268, 269, 270, 271 and 272.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 855, 863, 864, 865, 868, 869, 870, 871, 872, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913 and 914; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 1, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 866, 867, 915, 916, 917, 918, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 933, 934, 935, 936, 937, 938, 939, 940, 941 and 942; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**CONSENT CALENDAR**

**May 1, 2002**

The following local bills have been placed on the Consent Calendar for **May 8, 2002**: House Bill(s) No(s). 3277.

**ROLL CALL**

The roll call was taken with the following results:

Present.....91

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kemell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

**RECESS MOTION**

On motion of Rep. Davidson, and pursuant to Senate Joint Resolution No. 746, the House stood in recess until 1:00 p.m., Wednesday, May 8, 2002.